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Refugee Reports

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PRESIDENT AUTHORIZES INCREASE IN REFUGEE ADMISSIONS FOR FY 91

Continuing a five-year trend of increasing annual refugee admissions, President Bush has authorized a worldwide admissions ceiling of 131,000 for FY 91. Of this ceiling, 121,000 admissions places have been allocated to the six geographical regions and will be eligible for federal funding. An additional 10,000 spots will be available for private-sector admissions.

The Soviet Union and Southeast Asia account for more than 100,000 of the admissions numbers, approximately 75,000 of whom are expected to migrate directly from two countries: the Soviet Union and Vietnam.

Africa has been allocated a regional ceiling of 4,900, the highest since passage of the Refugee Act of 1980. Other regional ceilings include Eastern Europe with 5,000, and the Near East and South Asia with 6,000.

Earlier in the year, when the Administration submitted its refugee admissions and assistance budget requests for FY 91, it estimated publicly funded admissions needs at 110,000 worldwide. Although the authorized ceiling for FY 91 is 11,000 higher than the original estimate (not including the unallocated private admissions numbers), the Administration did not request additional money for admissions.

The State Department requested $450.6 million for migration and refugee assistance (MRA) in FY 91--with $185.2 million for refugee admissions and $215.2 million for assistance overseas.

A Senate Appropriations Committee report on the Foreign Operations Appropriations Bill, which funds the State Department refugee programs, called the budget request for refugee admissions "inadequate". The Appropriations Committees in both the House and Senate have supported a $35 million increase in the MRA budget, primarily to provide additional assistance for Soviet Jews resettling in Israel and to fully fund the additional admissions numbers to the United States.

But Bush Administration officials indicated that they intended to admit 121,000 publicly funded refugees, including 50,000 Soviets, while keeping within the amount of the original FY 91 budget request.

"We believe that through cost-saving measures and

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Washington's pace of life quickened considerably as the 101st Congress neared its closing days. This issue tracks developments in and around Congress relating to refugees, including annual admissions consultations....1

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new approaches to financing transportation costs, funding appropriated at the President's original budget request level can finance the projected 121,000 admissions," Deputy Secretary of State Lawrence Eagleburger told the Senate Judiciary Committee on October 3. The primary element of the Administration's cost-savings plan is to arrange for the pre-payment of refugee transportation to the United States by either relatives or voluntary agencies.

Africa Ceiling Is Highest in a Decade

"Over four-and-a-half million persons in Africa fleeing conflict and violence have sought refuge in neighboring countries," said a report to Congress on FY 91 admissions submitted by the U.S. Coordinator for Refugee Affairs. Despite the heavy burdens this has created, "the generosity of African people and governments in granting refuge to neighbors in distress is noteworthy," the report said. "Nowhere in the world has the practice of first asylum been more universally followed."

African generosity has been tested hard in 1990, as refugee numbers swelled with an estimated 500,000 Liberians escaping a bloody civil war in their own country who fled into Cote d'Ivoire, Guinea, and Sierra Leone.

In setting an Africa regional ceiling of 4,900. the Bush Administration identified refugees from six nations as being of particular concern for FY 91: Angola, Ethiopia, Liberia, Mozambique, South Africa, Somalia, and Zaire. The list no longer includes Namibia, Lesotho, and Malawi. "Nationals of those countries have not applied to the U.S. Refugee Program in significant numbers in recent years," said the Coordinator's report. Liberia and Somalia are new additions to the list.

It is expected that Ethiopian refugees, as in previous years, will comprise the largest admissions numbers in the Africa program. Most will be processed out of refugee camps in Sudan, but some have sought asylum in other African countries or in Europe.

The next largest group, according to U.S. officials, will be refugees fleeing persecution in southern Africa, followed by refugees in East Africa.

The Immigration and Naturalization Service (INS) now maintains an office in Nairobi, Kenya, and Church World Service is working as a Joint Voluntary Agency (JVA) there to assist in case preparation.

InterAction, a membership association of U.S. private voluntary agencies involved in international humanitarian work, said the JVA presence in Nairobi "will strengthen the capacity of INS to carry out refugee processing...where a considerable backlog still exists." An InterAction statement on FY 91 refugee admissions had called for an Africa admissions level of 6,500. "We anticipate the movement of at least 1,500 refugees out of Nairobi, 3,000 Ethiopians from Sudan, and 2,000 refugees from southern Africa," the statement said.

The UN High Commissioner for Refugees (UNHCR) projected total needs for all African resettlement at 7,140, but did not suggest what the U.S. share should be.

East Asia Ceiling Combines First Asylum and ODP Numbers In FY 90, the United States resettled about 25,000 Indochinese refugees from first asylum camps in Southeast Asia and admitted another 26,800 Vietnamese refugees and Amerasians through the Orderly Departure Program (ODP). In FY 91, the State Department has combined first asylum and ODP refugee and Amerasian numbers into a single ceiling of 52,000.

Given what they have called "the unpredictability of first asylum needs," U.S. officials say the combined ceiling will enable them to shift numbers readily from first asylum to ODP, and vice versa, depending upon the needs.

The ODP program--which was established in 1979 to provide a safe, legal alternative to clandestine departure by boat--enjoyed its most successful year ever in FY 90. In addition to the 26,800 refugees and Amerasian immigrants, another 16,000 Vietnamese parolees and non-Amerasian immigrants entered the United States through the program, and more than 17,000 Vietnamese migrated to other countries.

FY 91, by all estimates, will be even bigger. Counting refugees, immigrants, and parolees, U.S. ODP numbers could come close to 60,000, ODP officials say. This will include at least 12,000 former reeducation camp prisoners and family members and an estimated 15,000 Amerasians and accompanying family members. Legislation passed in December 1987 created a special class of

U.S. REFUGEE ADMISSIONS IN FY 1990 AND FY 1991

	AUTHORIZED LEVELS-FY 90	ADJUSTED LEVELS	ESTIMATED ARRIVALS	AUTHORIZED LEVELS-FY 91
AFRICA	3,000	3,500	3,500	4,900
EAST ASIA[a]	51,500	51,800	51,800	52,000
EASTERN EUROPE	6,500	6,200	6,200	5,000
LATIN AMERICA AND THE CARIBBEAN	3,500	2,400	2,400	3,100
NEAR EAST AND SOUTH ASIA	6,500	5,000	5,000	6,000
SOVIET UNION	40,000	42,800[b]	42,800	50,000
SUBTOTAL	111,000		111,700	121,000[c]
Unfunded USSR (earmarked)	10,000	9,300	8,000	
Other Private Sector	4,000		3,100	10,000
TOTAL	125,000		122,800	131,000

[a] In FY 90, the authorized ceiling for East Asia was broken down into 25,000 for refugees from first asylum countries and 26,500 for persons from Vietnam entering under the Orderly Departure Program. The ODP level was later adjusted to 26,800. There was no such breakdown in the FY 91 authorization. The ODP includes Amerasian immigrants and their families who enter as immigrants under a special statutory provision but receive benefits as refugees.

[b] This number includes seven hundred initially unfunded numbers for USSR which were later funded and included in the adjusted level pursuant to the Armstrong Amendment to the Dire Emergency Supplemental Appropriations Act of 1990.

[c] The use of up to 11,000 of these admission numbers is contingent on the successful implementation of the Department of State's new pre-payment program and other cost savings.

Source: U.S. Coordinator for Refugee Affairs

Amerasian immigrants. They are admitted to the United States as immigrants, but "are included in the refugee admissions ceiling for consistency with the budgetary process," according to the Coordinator's report.

InterAction's recommmended figure for FY 91 ODP refugee admissions to the United States was 40,000, not counting Amerasians. About 36,000 of these numbers should be available for former reeducation detainees and family members, said the InterAction statement, and 4,000 refugee numbers should be used "for family reunification cases of special concern where immigration petitions are not current."

InterAction also recommended an admissions level of 14,500 Indochinese refugees from first asylum, including 5,500 spots for Vietnamese boat people, "to assure that the United States meets its obligations under the Comprehensive Plan of Action" (CPA), as well as 3,000 resettlement numbers for lowland Lao and 6,000 for highland Lao in Thailand.

In addition to Indochinese refugees, InterAction recommended that 1,500 resettlement numbers be available for Burmese, Chinese, and Tibetan refugees.

The State Department has designated only two nationalities in East Asia as being "of particular concern" to the United States: Vietnamese and Laotians. "Consideration of these nationalities for refugee admission is authorized without referral of specific cases to Washington," said the Coordinator's report. "Cambodians, Burmese, and Chinese cases are considered on a case-by-case basis, but only with specific authority from the Department of State and INS headquarters."

FY 91 marks the first year that Cambodians have not been on the U.S. list of designated nationalities. The United States has resettled nearly 150,000 Cambodian refugees since 1975, including about 2,000 in FY 90. But virtually all of the 12,300 Cambodians in Khao I Dang camp have been rejected for admission as refugees, and the other 300,000 Cambodian displaced persons encamped on the Thai border have not been allowed to seek refugee resettlement.

Sen. Alan K. Simpson (R-Wyo.) raised questions at the October 3 hearing about continuing obligations towards Southeast Asian refugees. "The war is over," he declared. "It ended in 1975."

He called for restoration of diplomatic relations with Vietnam, saying that would pave the way to "get honest with ODPs and Amerasian children who are no longer children and how many people are coming out and sneaking through those numbers and all the rest of it, all driven by 'Saigon cowboys' of years past."

Soviet Processing Shifts to Moscow Several senators at the October 3 hearing praised the success of the shift to direct processing of Soviet refugees out of Moscow and the closing of the Vienna-Rome pipeline.

On October 24, however, glitches in direct processing out of Moscow surfaced, as more than 200 evangelical Christians were stranded at the Sheremetyevo airport because their exit visas had been designated for Israel (a carryover from the old system when everyone flew first to Vienna, and most "dropped out" en route to Israel). But they no longer had entry permits for Israel stamped in their passports (see Refugee Reports, Vol. XI, No. 4).

Sen. Simpson criticized the growing trend toward in-country refugee processing. "It's very difficult to be a real refugee when you're in-country," he said, and called in-country processing a violation of the spirit of the Refugee Act.

In reference to the Lautenberg Amendment (which lowers the threshold test for refugee status for Soviet and certain Indochinese--see Refugee Reports, Vol. XI, No. 6), Simpson called "presumptions" of refugee status "a great mistake" that was "driven by special interests."

Eagleburger praised the "magnitude" of the effort of the American Jewish community to resettle up to 8,000 Soviet Jews through private funding, but said, we "recognize that it cannot easily be repeated in FY 91." He said that the Administration had therefore raised the funded level of Soviet refugee admissions by 10,000 for a total of 50,000.

InterAction called for admission of 40,000 Soviet Jews, 10,500 Evangelical Christians, 5,000 Armenians, and 3,000 Catholic and Orthodox Ukrainians.

Eastern Europe Ceiling Set at 5,000 With the emergence of democratic governments in Hungary, Poland, and Czechoslovakia, the

U.S. government discontinued the registration of refugee applicants from these three countries in FY 90. Albanians, Romanians, and Bulgarians are the "designated nationalities for FY 91," according to the U.S. Coordinator's report to Congress.

"Due to the slow pace of democratic reform and political uncertainty, Romanians and Bulgarians continue to leave their countries," the report said. "In Albania, popular uprisings resulted in thousands seeking refuge in embassies in Tirana."

An Eastern Europe admissions ceiling of 5,000, according to the report, will allow for the admission of the final group of Romanian Third-Country Processing (TCP) cases; Visas 93 cases (spouses and children of previously admitted refugees) from Poland and Romania; and processing of the three designated nationalities in first-asylum countries.

The United States admitted about 6,200 Eastern Europeans in FY 90. InterAction recommended that the FY 91 ceiling be increased to 6,500.

U.S. Refugee Policy in Latin America is Largely "Same Old Stuff" At the Senate hearing, Sen. Dennis DeConcini (D-Ariz.) cited State Department estimates of approximately two million refugees and displaced persons in Central America, and then pointed out that "only 3,100 refugee slots have been alloted to Latin America and the Caribbean for FY 1991." He added that 3,000 of those places are to be used for Cubans, "which leaves 100 slots for the rest of the entire area."

The U.S. Coordinator's report acknowledges that "non-Cuban refugee admissions will be negligible" in FY 91.

Of the 1,610 Latin American refugees who had entered in FY 90 through August 31, 1,065 were Cuban and 518 Nicaraguan. The FY 90 ceiling for Latin America was 2,400.

The FY 91 Presidential Determination includes new language that allows for in-country refugee processing of persons in Cuba "who are (1) in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the United States, or (2) are of compelling concern to the United States, such as former or present political prisoners, dissidents, or human rights and religious activists, or (3) were employed by the U.S. government for at least 1 year prior to the claim for refugee status; and their accompanying family members."

These expanded processing priorities were needed, according to the Coordinator's report, because the Cuban admissions program has "already largely addressed the needs of the population it was originally designed for--long-term political prisoners." The new language in the Presidential Determination "would allow the program to address the needs of a broader range of persons."

"We think this is finally a recognition of the kinds of people--human rights activists, dissidents, and religious minorities like Jehovah's Witnesses--who are at risk in Cuba and whom the United States should be willing to assist," said Dawn Calabia, associate director for refugees of the U.S. Catholic Conference/ Migration and Refugee Service. "We have been pushing for two years to get these changes," she told Refugee Reports.

Aside from the expanded priorities for Cuban refugees, "this is the same old stuff," John Fredriksson, Washington representative of the Lutheran Immigration and Refugee Service, told Refugee Reports. "I am disappointed the Administration continues to ignore the needs of other major refugee groups in the region."

InterAction supported the resettlement of 3,000 Cuban refugees in FY 91, but also recommended admission of 1,500 Salvadorans and Guatemalans, and 500 Haitians.

Calling U.S. refugee policy toward the region one of "benign neglect," InterAction urged the U.S. government to review its policy toward Central American and Caribbean refugees seeking first asylum in the United States. "In the context of the leadership role the United States plays in international efforts to preserve first asylum in Southeast Asia," said the InterAction statement, "the government's position to exclude Haitians and others from the Western Hemisphere seems inconsistent and unjust."

Near East/South Asia is Host to More Than Ten Million Refugees and Displaced Persons With more than five million Afghans, four million Palestinians, one million Iranians, 100,000 Iraqis and thousands of others, the Near East/South Asia boasts the dubious distinction of being the region with the largest number of refugees and displaced persons in the world. Following the Iraqi invasion of Kuwait on August 2, hundreds of thousands more people were displaced, including 240,000 Kuwaiti refugees and at least 600,000 Arab and Asian expatriates who had been working in Iraq and Kuwait.

Afghan and Iranian refugees have tended to comprise the bulk of admissions from this region. Through August 31, a total of 4,567 refugees had been admitted from the Near East/South Asia region, including 3,199 Iranians and 1,314 Afghans. The original FY 90 ceiling of 6,500 was reduced to 5,000 during the year, due to what the U.S. Coordinator's report to Congress called a "dramatic decline in the number of new Iranian applications."

The FY 91 ceiling of 6,000 would be used to admit Afghan, Iranian, and Iraqi refugees, with perhaps small numbers of Syrians and Libyans. In Iran, the Coordinator's report said, "repression and persecution--of dissidents, religious minorities (Baha'is, Jews, Christians, and Zoroastrians), persons who played significant roles under the Shah, and individuals who refuse to adopt the doctrinaire Iranian Shi'a religious beliefs--once widespread under the Khomeini regime have not entirely disappeared." Afghan applications for family reunification have also increased.

InterAction had proposed an FY 91 ceiling of 10,000 in order to resettle 5,000 Afghans, 2,000 Iraqis, and 3,000 Iranians. Calling the 27,000 Iraqi Kurds in Turkey a "population of great concern," InterAction urged the United States to "respond to the needs of this vulnerable group by exploring a modest resettlement program for an initial 1,000 Iraqi Kurds in FY 91."

In its assessment of global resettlement needs, UNHCR identified a total of 8,200 refugees in the Middle East and Southwest Asia requiring resettlement in another country. UNHCR did not include Afghans in its figures, arguing that voluntary repatriation is the best durable solution for them, although it noted "an increasing incidence of attacks against Afghan refugees" in Pakistan and suggested that about 50 Afghans in Pakistan may need to be resettled "as an instrument of protection."

The UNHCR global assessment, which was published in August, identified 1,250 Iranians and 500 Iraqis in Pakistan who were also in need of resettlement, along with 1,340 Iranians and Iraqis in Turkey. "It is difficult to forecast resettlement requirements resulting from the current crisis in the Gulf," the UNHCR report said. "However, even at this early stage, information available points to the possible need for some 3,500 additional places for Iraqis and other refugees in the Middle East."

Recent Developments

[Editor's Note: Congress passed a landmark immigration bill (S.358) expanding the number of legal immigrants by about 40 percent. Up to 700,000 immigrants will be allowed to enter for each of the next three years, starting in 1992, to be revised downward thereafter. The number of visas based on skills more than doubles from 54,000 to 140,000 annually, yet more than half of the total visas are set aside for family unification.

The bill has many other important features, including language striking McCarthy-era grounds for exclusion--such as "sexual deviation" and membership in the Communist Party. It also shifts from Congress to the Administration responsibility for deciding whether persons with AIDS or the HIV virus should be barred from entering the country.

The Senate approved S. 358 by voice vote on October 27; the House passed it on Saturday, October 28 by a 264-to-118 margin.

The first two Recent Development *articles deal with parts of the bill that are likely to have the greatest direct impact on refugees or persons in refugee-like circumstances.]*

SENATE AND HOUSE REQUIRE SALVADORAN SAFE HAVEN, RECOMMEND TEMPORARY PROTECTION FOR LIBERIANS, LEBANESE, AND KUWAITIS

Salvadorans in the United States will be protected from deportation through June 1992 and be permitted to register for work authorization during that time if, as is expected, President Bush signs into law the comprehensive legal immigration bill (S.358).

Passage of legislation for Salvadoran safe haven followed a long and tortuous path, with many many other nationalities being added--and subtracted--over the years.

In 1986, the House added Nicaraguans, along with Salvadorans, to its first major change in U.S. immigration law since 1965; but the safe haven provisions did not survive the conference committee that resolved differences between the House and Senate versions of the 1986 law.

In this session of Congress, a temporary safe haven bill for Salvadorans, Nicaraguans, and Chinese nationals had passed the House (see Refugee Reports, Vol. X, No. 11). That bill also established criteria for granting temporary protected status (TPS) to other nationalities based on ongoing armed conflicts, natural disasters, and other extraordinary conditions that make a safe return to the country unlikely. A companion bill for Salvadorans and Nicaraguans stalled in the Senate, however, and its chances looked remote.

Rather than see this legislation die yet again (it had been before Congress in some form or another for five years), Rep. Joe Moakley (D-Mass.), chairman of the Rules Committee, attached a safe haven provision to the legal immigration bill before it reached the House floor. Moakley's mark up included the generic safe haven language from the earlier House bill, but introduced a new mix of nationalities--Salvadorans, Kuwaitis, Lebanese, and Liberians.

When the legal immigration bill reached the House floor, Rep. Bill McCollum (R-Fla.) called this provision a "sweetheart deal for amnesty of illegals from these particular four countries" and introduced an amendment to strike it.

McCollum said, "We need to continue to let the Immigration Service use existing laws for political asylum to protect people who are here from those countries that are in trouble and make that work and not bind their hands behind their backs so that we have to keep everybody here."

Rep. William H. Gray III (D-Penna.) responded that "asylum is not always fairly administered" and cited Salvadorans as a nationality that has been unfairly treated by the asylum process. He then pointed out that the four nationalities in question are fleeing war, not "the strict standard of asylum which is 'well-founded fear of persecution.'" In the case of Liberians, Gray said, "we are talking about going back to a three-sided civil war. People are being butchered."

McCollum's amendment was defeated by a 131-to-285 vote.

On the Senate side, Sen. Dennis DeConcini's (D-Ariz.) companion bill for Salvadorans and Nicaraguans had passed the Judiciary Committee, but had moved no farther. However, the Senate legal immigration bill was amended back in July 1989 to grant temporary protection for students from the People's Republic of China.

The stage for the debate was set earlier in the month at the Senate's annual refugee consultation (see lead story) when Sen. DeConcini--not a member of the Committee--dropped in to ask Administration officials several questions about bias against Salvadorans in the asylum process. He cited a videotape of a State Department official conducting a training session for INS adjudicators in which the official joked about Salvadoran claims and advised his audience that it is "easier and more correct" to deny claims if they are not fully convinced of them.

DeConcini said, "I do not believe we should return these individuals to a country immersed in civil war in which we are actively involved. Moreover, I do not believe that government officials who are entrusted with the responsibility of reviewing asylum cases should minimize the plight of victims of persecution."

At that same hearing, Sen. Alan Simpson (R-Wyo.), called the Moakley amendment "a rerun of old laundry" and said, "I'll betcha it won't be in conference committee when it comes out."

Simpson said that the true refugees who fled to camps in Honduras had repatriated. Calling Moakley's amendment "an absolute anachronism," Simpson said, "If there ever was a danger to those in the U.S., it is over now. The true refugees are now safe; they're back home in El Salvador."

Conference Committee Reaches Unexpected Compromise The House-Senate conference needed to reconcile the Senate version, which included protections for certain PRC nationals, and the House version with its generic safe haven language as well as protection for four other nationalities, including Salvadorans.

Simpson continued to insist in conference that the danger in El Salvador is over. "To say that if these people are returned something will happen to them is just a fiction," he declared.

Moakley talked about the maimed children he had seen in El Salvador and the continuing bloodshed there.

Sen. Edward M. Kennedy, chairman of the Senate Immigration and Refugee Affairs Subcommittee, acknowledged Moakley's frustration at the five-year legislative impasse, but said, "I do not believe that this measure with that amendment on it would be able to go through the Senate."

Compromises on other parts of the immigration bill were afoot, and Simpson had won concessions on several issues. Simpson finally said he would consider the measure only for Salvadorans.

Moakley asked if he could find it in his heart to include Liberians, Lebanese, and Kuwaitis.

Simpson said that those nationalities would be able to avail themselves of protection through the authority of the Attorney General, according to the generic safe haven language in the House version of the bill, but that he was unwilling to tie the Attorney General's hands statutorily.

After DeConcini and Sen. Paul Simon (D-Ill.) offered to scale back the duration of protected status from three years to 18 months, Simpson said, "I'll look at it."

During a break, Congressional staff drafted the final compromise. The manager's draft report on which they finally agreed states, "The Conference substitute provides for the establishment of the House's temporary protected status program, but compels the Attorney General to provide such status only to Salvadorans and only for a period of 18 months. The Conferees strongly urge the Attorney General to consider favorably the granting of temporary protected status to nationals of Kuwait, Lebanon, and Liberia. The Conferees underscore that the mandatory conferral of such status on Salvadorans for 18 months shall not be interpreted as preventing the Attorney General, in his sole discretion, of providing additional periods of protection should circumstances in the future so warrant."

While the language of the manager's report tends to be expansive, the language of the bill itself is much more constrained.

It gives Salvadorans a six-month period to register for its benefits, which include work authorization. However, Salvadorans must renew their status every six months for a total of 18 months, or June 1992, whichever comes first. At the registration occurring closest to the termination date of protected status, the bill instructs the INS to "serve on the alien an order to show cause that establishes a date for deportation proceedings." If the Salvadoran fails to appear at these proceedings, the bill allows for an in absentia deportation order.

IMMIGRATION BILL WILL ENABLE NICARAGUAN, POLISH, HUNGARIAN, AND PANAMANIAN ASYLEES TO ADJUST TO PERMANENT RESIDENT STATUS

The legal immigration bill (S.358) includes an amendment introduced by Rep. William O. Lipinski (D.-Ill.) that would allow asylees to apply for permanent resident status without first having to prove that they still meet the refugee definition.

The amendment arose in response to a July 25 Immigration and Naturalization Service (INS) memorandum instructing its field offices about how to handle adjustment of status for asylees from countries whose political systems have undergone recent, dramatic change.

The memo from INS Deputy Commissioner Ricardo Inzunza established cut-off dates for adjustment of status of asylees from Hungary, Nicaragua, Panama, and Poland based on the INS's assessment of when governments changed in each of the four countries. The memo instructed INS offices to approve the adjustment of status applications for eligible asylees if their interviews were conducted before the new governments came into power. However, for those whose interviews were held after the cut-off dates, the applicants would have to satisfy the INS district directors that they still met the refugee definition. "If the asylee does not meet the definition of refugee, the adjustment should be denied," said the memo.

In cases that had been granted asylum by an INS district director, INS offices were instructed to include a letter of intent to terminate asylum status with the adjustment denial letter. For those who were granted asylum by an immigration judge, the INS was instructed to file a motion to terminate asylum. Those denied would either have to voluntarily depart or face deportation or exclusion proceedings.

Private Agencies Protest INS Move Several private organizations criticized the INS memorandum. Arthur Helton, director of the Refugee Project of the Lawyers Committee for Human Rights, charged that the memo illegally violated the INS's recently finalized asylum regulations (see Refugee Reports, Vol. XI, No. 7) by shifting the burden of proof regarding changed country conditions from the INS to the applicant. In an October 5 letter to Inzunza, Helton wrote, "The regulations explicitly place the burden of proof on the government in all cases where it is contemplated that a change in country conditions might eliminate the eligibility for asylum or withholding."

Helton pointed out that people often become refugees "at the hands of longstanding repressive regimes," and that, usually, "vestiges of repression remain, because either the military or the secret police... remain entrenched in positions of power despite a change in the titular head of state." Under such circumstances, he maintained, the burden should be on the government to show that human rights abuses have not continued to occur after putative changes in government.

Rober DeVecchi, executive director of the International Rescue Committee, also criticized the INS cut-off dates. "Selecting the interview date for asylee adjustment of status," he said, "unfairly penalizes the asylees," since interview dates are set by the INS and do not reflect the intention of the applicants.

Immigration Bill Amended to Ease Adjustment of Status for Asylees Speaking in support of Lipinski's amendment, Rep. Dan Rostenkowski (D.-Ill.) specifically criticized the July 25 INS memorandum. He said, "It is incongruous that the otherwise welcome demise of a repressive regime in an asylee's home country should make it virtually impossible for the asylee to remain in the United States for failure to prove a continuing well-founded fear of persecution."

The amendment was opposed by Rep. Lamar Smith (R.-Tex.), who said that it "sets a dangerous precedent in refugee law" by removing the authority of the Attorney General "to rescind refugee status when the threat of persecution no longer exists."

Smith said, "Our priority should be those refugees who truly face persecution, not those who no longer do."

Lipinski said that his amendment would affect about 9,000 Nicaraguans, 1,000 Poles, 450 Hungarians, and 350 Panamanians.

The amendment to the House bill was accepted by the Senate and House conferees. They also raised from 5,000 to 10,000 the limit on the number of asylees who can adjust to permanent resident status annually.

FIVE CAMBODIAN DANCERS ON U.S. TOUR STAY BEHIND

What began as a national tour of cultural exchange and reconciliation ended in disarray and bitter recriminations, as a troupe of Cambodian classical dancers departed from New York's John F. Kennedy Airport on October 17, bound for Phnom Penh and leaving behind five young dancers who chose to stay in the United States.

Three dancers from the 36-member Cambodian Classical Dance Troupe defected in St. Paul, Minnesota on October 3, and another left the troupe in Lowell, Massachusetts on October 7. All four have sought political asylum. Two have relatives in the United States and one has a sister in Canada.

By the time the dance troupe had reached New York, the last leg of a month-long U.S. tour, newspapers throughout the country were replaying the angry charges and countercharges of deceit, threats, and betrayal brought by the tour organizers and their detractors.

"Those are four of our best dancers," Proeung Chhieng, the company's artistic director, told the Washington Post. Why do they want to break up our art? Our mission is humanism. It is not politics."

Funded by a grant from the National Endowment for the Arts and several private foundations and organized by the U.S.-Indo-China Reconciliation Project, the tour was the first to involve a cultural exchange group from Cambodia since the end of the Vietnam war in 1975.

Following four years under Khmer Rouge rule--which left more than one million Cambodians dead from execution, starvation, or overwork--Cambodia was invaded by Vietnamese troops in 1979. Vietnam installed a friendly government in Phnom Penh, which has been opposed by a coalition of resistance forces, comprising two noncommunist factions and the Khmer Rouge.

Tour organizers accused one of these noncommunist groups, the Khmer People's National Liberation Front (KPNLF), of following the dancers around the country and pressuring them to defect. "An extremely aggressive campaign to embarrass Phnom Penh and, in fact, destroy the dance company has been underway," the tour's executive producer, Eileen Blumenthal, told the Post.

"I don't believe that at all," responded the KPNLF's ambassador to the United Nations, Lapresse Sieng. "They [the dancers] must be willing to be lured. Or they are fearful to go back." He denied that the KPNLF had intimidated anyone.

Stephen Morris, a Harvard University researcher who is writing a book on Cambodia, says it is the Phnom Penh government and its backers that should be held responsible for any threats or coercion. "The dancers have been subjected to intimidation from the regime, telling them that if they try to defect in the United States, their families will be punished," Morris told the Christian Science Monitor. He said that the American tour organizers "have themselves engaged in intimidation and deception..., lying to them about their rights in this country."

John McAuliff, director of the U.S.-Indochina Reconciliation Project, acknowledged to the New York Times that he had issued warnings to the dancers about the futility of defecting, and the risk of arrest and deportation back to Cambodia. But these warnings were based, he said, on conversations with State Department officials.

On October 11, the State Department issued a statement saying that the remaining 32 dancers in the troupe would be interviewed by the Immigration and Naturalization Service (INS) prior to their departure to determine if any more wished to defect.

Following the INS interviews--which McAuliff called "suspicious" and Proueng Chhieng said were frightening to the dancers, given their experiences with the Khmer Rouge--the troupe's star dancer, Yim Devi, decided to remain in the United States. Her lawyer, Martin Garbus, said that, unlike the other four dancers, Yim Devi was not seeking political asylum, but only wished to continue her studies.

RESCUE AT SEA IN PERIL FOR VIETNAMESE BOAT PEOPLE

When the General Jacinto rescued a boat in distress on the South China Sea in late August, the precarious ocean journey seemed nearly over for the 14 Vietnamese refugees on board. Under a ten-year-old international agreement arranged through the United Nations, the merchant ship had only to disembark the Vietnamese at its next scheduled port of call where they would be assured of prompt resettlement in a Western country.

But more than one month later, the refugees were still on the ship. The Norwegian-owned, Panamanian-registered vessel stopped in China, Hong Kong, Indonesia, and the Philippines and was turned away each time. On September 27, the Vietnamese finally were allowed to disembark in Papua New Guinea. Their next destination is uncertain.

It has become increasingly difficult to disembark Vietnamese boat people anywhere in Southeast Asia, and as a result, rescue efforts are dwindling and lives may be being lost, a UN High Commissioner for Refugees (UNHCR) official has told Refugee Reports. From July to September 1989, merchant and navy ships carried out 37 successful rescue operations, involving 2,356 Vietnamese boat people, according to UNHCR statistics. During the same period this year, only 7 boats and 179 people were rescued.

This drop in rescues cannot be fully attributed to a decline in Vietnamese boat flows from 1989 to 1990. Observers point out that while regional boat arrivals in the first seven months of 1990 are less than half what they were in the same period last year, most of that decline has been in the flow from Vietnam to Hong Kong. Because these boats have tended to hug the Chinese coastline all the way to Hong Kong, they are not considered "rescueable". Excluding Hong Kong, Vietnamese boat arrivals in Southeast Asia dropped from 26,389 in the first seven months of 1989 to 21,584 from January to July 1990, a decline of only about 18 percent.

The better explanation, the official said, is that asylum countries in Southeast

Asia--including Thailand, Malaysia, Indonesia, Hong Kong, and the Philippines--are delaying or denying disembarkation requests until they can be sure the boat people will be resettled or repatriated promptly. And because merchant ships are finding it harder to drop people off, the official suggested, they are increasingly reluctant to pick them up in the first place, not when delays can cost anywhere from $10,000 to $90,000 per day.

Since 1979, UNHCR has administered the Disembarkation Resettlement Offers (DISERO) program, designed to encourage merchant ships to rescue Vietnamese boat people by encouraging regional ports of call to permit prompt disembarkation. The motivation came in the form of resettlement commitments by the United States and five European countries, which guaranteed that any Vietnamese rescued at sea would be accorded automatic refugee status and resettled within 90 days. In the last ten years, a total of 68,400 boat people have been rescued and many have been resettled through DISERO and its companion, the Rescue at Sea Resettlement Offers (RASRO) program. But in the last year, both programs essentially have ceased to function.

The "Comprehensive Plan of Action" (CPA), which was endorsed by more than 50 countries in June 1989, severed the link between rescue at sea and automatic resettlement. The terms of the CPA require instead that boat people rescued at sea must undergo screening for refugee status just like their compatriots. Those who are screened in are virtually assured of resettlement; but those who are rejected, unless they are willing (or at least do not object) to go back to Vietnam, face an indefinite wait in detention camps. And while the Southeast Asian countries of asylum accept the principle of screening, they want solid assurances that they will not be left with a residual population of screened-out.

In order to restore disembarkation commitments, and rescue at sea efforts along with them, a CPA steering committee has been exploring several options. The first would be to re-establish the link between resettlement and rescue. A CPA steering committee report in October 1989 acknowledged that guaranteed, "fast-track" resettlement was "not compatible" with the CPA, which is designed to discourage clandestine departures from Vietnam.

Restoring the RASRO and DISERO programs could stimulate more boat departures, the UNHCR official said, and even inadvertently encourage boats to stay out on the water in search of rescue and resettlement. Furthermore, it would seem to be unfair to give automatic refugee status to someone rescued at sea while requiring other boat arrivals to undergo screening first. But "in the absence of an alternative arrangement and as an interim measure," the steering committee report said, "the need for [resettlement guarantees] has remained essential."

Another option identified by the CPA steering committee would be to establish a regional facility to house all rescue at sea cases following a determination of their status and destination. This alternative would give individual asylum countries the assurance of prompt onward travel, while avoiding any commitments to automatic resettlement. "Despite all efforts," the report noted, "no agreement has materialized on this issue, and at this stage it would appear that UNHCR is unable to take the matter any further."

The first-asylum countries in Southeast Asia have pushed hard to reach full consensus among all the CPA participants in support of involuntary repatriation of screened-out Vietnamese, but the United States and Vietnam continue to oppose any return involving force or coercion. To prevent a collapse of the CPA, the United States has agreed to support a UNHCR proposal for a new category of returnee: "those who do not object" to going back to Vietnam. An effort is now underway in Hong Kong to find out if such a category of people actually exists and if it is possible to get them home again safely.

At a July meeting of the ASEAN (Association of Southeast Asian Nations) foreign ministers in Jakarta, Secretary of State James Baker also pledged support for "a new best-efforts commitment to resettle or return all asylum seekers by the end of 1992."

In the meantime, the UNHCR official said, the rescue effort must be revitalized with new commitments from asylum countries, the maritime industry, and the international donor community. About 6,000 people were rescued in 1989, and the UNHCR bill to cover shipowners claims and special operations came to $600,000, or roughly $100 to save a life.

A Vietnamese community group, the Boat People/S.O.S. Committee, has donated $35,000 and was pivotal in securing a grant of an additional $90,000 from the French government. The U.S. government recently pledged $500,000 to anti-piracy programs in Southeast Asia, of which at least $100,000 will be available for UNHCR rescue-at-sea programs. But even with the decline in rescues, according to UNHCR, funds for 1990 and 1991 are running short and new contributions are needed.

CANADIAN ASYLUM RATES AT 75 PERCENT, GOVERNMENT SEEKS TO STREAMLINE PROCESS

Since the U.S. Immigration and Naturalization Service (INS) issued final asylum regulations that cite "recent developments in the methods used to aide in the adjudication of asylum cases in other countries, such as Canada," there has been renewed interest in the Canadian model for determining asylum claims.

In September, a delegation of U.S. nongovernmental organizations, led by Arthur Helton of the Refugee Project of the Lawyers Committee for Human Rights, traveled to Canada to make a comparative analysis of the Canadian and U.S. systems. The delegation included representatives from the U.S. Catholic Conference, Lutheran Immigrant and Refugee Services, the American Bar Association, Amnesty International USA, and Public Counsel. Refugee Reports*' Bill Frelick joined the group as a representative of the U.S. Committee for Refugees.*

Despite fears that a new law governing the determination of asylum claims within Canada would result in a more restrictive approach towards asylum seekers in Canada, the system--after a year and a half--has produced some of the highest acceptance rates anywhere in the world. However, a backlog of cases that were pending prior to the inauguration of the new law in 1989, plus a growing backlog of applicants who came forward after the new law came into effect, have bogged down the system, causing nongovernmental organizations to protest and the government to explore ways to streamline the process.

"We don't want to take four hours to say yes," said Jerry Robbins, director general of Canada's Immigration and Refugee Board (IRB).

The new refugee determination system involves two steps. An initial hearing determines the applicants' credibility and eligibiilty for refugee status in Canada. The main thrust is to determine whether the claim has a "credible basis." This is based largely on the applicant's country of origin and its human rights record.

An adjudicator from the Canadian Employment and Immigration Commission (CEIC)--the equivalent of the U.S. Immigration and Naturalization Service--and a CRDD member from Canada's Immigration and Refugee Board --which is roughly comparable to the U.S. system of immigration judges under the Executive Office of Immigration Review--must both agree that a claim has no credible basis in order for it to be rejected.

Although Canadian Immigration is represented by a case-presenting officer, in actuality, it overwhelmingly concedes the "credible basis" of the applicants. From September through December 1989, the government did not contest 95 percent of the cases at the initial hearing. In the first six months of 1990, it conceded 92 percent.

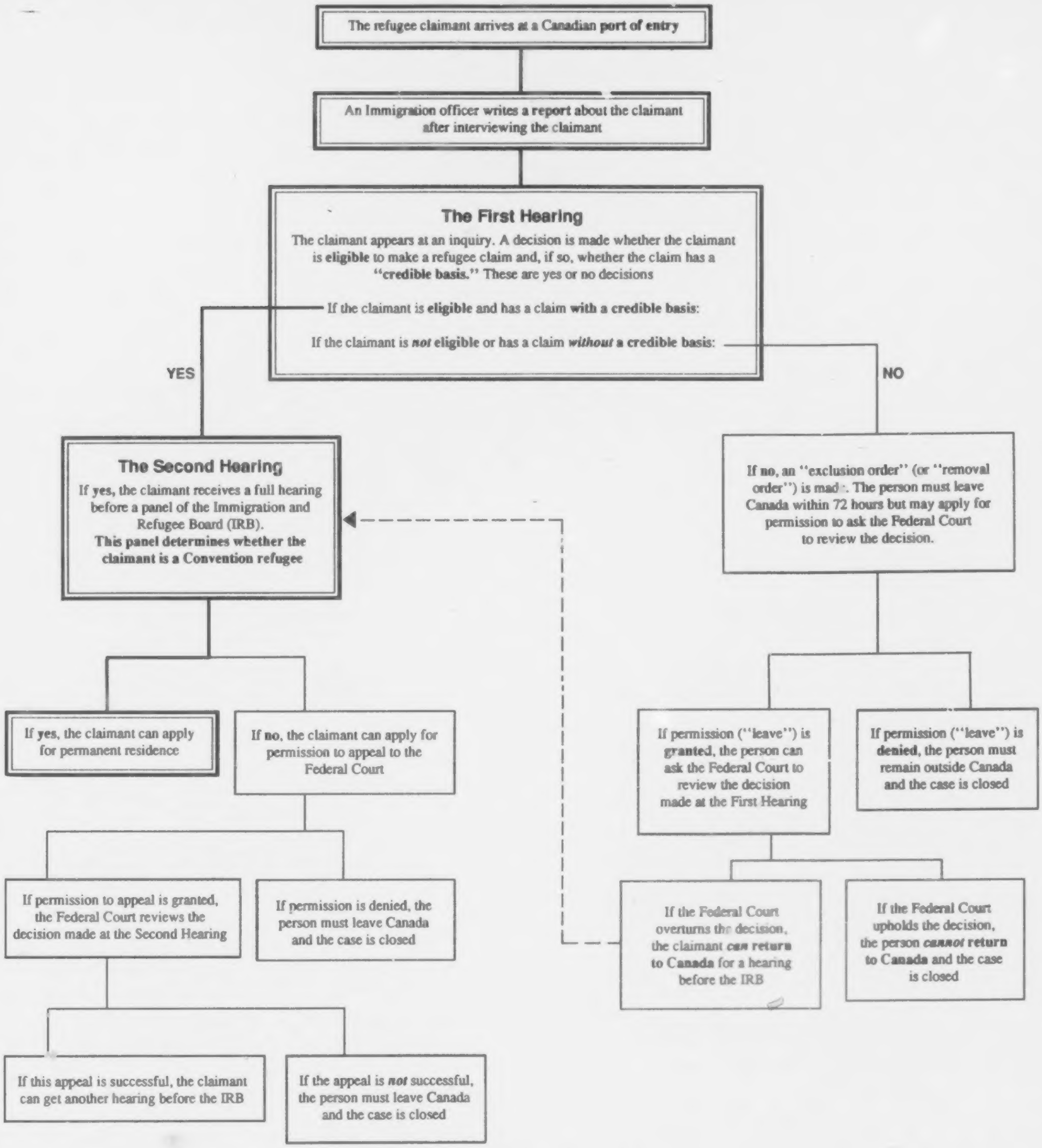
In addition to credibility, the first stage also assesses eligibility. The law's intent had been to deem as ineligible applicants who had resided in "safe third countries." However, the government has not been able to decide what countries should be designated as "safe" (largely as a result of controversy over whether or not the United States would be so designated, given its track record in denying asylum to certain nationalities).

The other grounds for ineligibility, such as resettlement in a third country, criminality, and security threats, have been used in less than 2 percent of the cases.

In the first six months of 1990, 95 percent of claims have been accepted for a second hearing. At the first hearing, an approval rate of 99 percent or more is recorded for applicants from the five nationalities that make up more than half of the total caseload: El Salvador, Iran, Lebanon, Somalia, and Sri Lanka.

At the first hearing, all applicants are eligible for designated legal counsel at government expense.

Convention Refugees: The Determination Process



The refugee claimant arrives at a Canadian **port of entry**

An Immigration officer writes a **report** about the claimant after interviewing the claimant

The First Hearing

The claimant appears at an inquiry. A decision is made whether the claimant is **eligible** to make a refugee claim and, if so, whether the claim has a **"credible basis."** These are yes or no decisions

If the claimant is **eligible** and has a claim **with** a **credible basis**:

If the claimant is ***not*** **eligible** or has a claim ***without*** **a credible basis**:

The Second Hearing

If **yes**, the claimant receives a full hearing before a panel of the Immigration and Refugee Board (IRB).
This panel determines whether the claimant is a Convention refugee

If **yes**, the claimant can apply for permanent residence

If **no**, the claimant can apply for permission to appeal to the Federal Court

If permission to appeal is granted, the Federal Court reviews the decision made at the Second Hearing

If permission is denied, the person must leave Canada and the case is closed

If this appeal is successful, the claimant can get another hearing before the IRB

If the appeal is ***not*** successful, the person must leave Canada and the case is closed

If **no**, an "exclusion order" (or "removal order") is made. The person must leave Canada within 72 hours but may apply for permission to ask the Federal Court to review the decision.

If permission ("leave") is **granted**, the person can ask the Federal Court to review the decision made at the First Hearing

If permission ("leave") is **denied**, the person must remain outside Canada and the case is closed

If the Federal Court overturns the decision, the claimant ***can* return to Canada** for a hearing before the IRB

If the Federal Court upholds the decision, the person ***cannot* return to Canada** and the case is closed

Note: This chart is a **brief outline only**. It does not describe Canada's refugee determination process *in full*. This process is complicated. If you have a refugee claim, consult a community legal clinic or a lawyer knowledgable about Canadian immigration law.

The process described in this chart applies to people who arrived on or after January 1, 1989 and made their claim on arrival. The process is slightly different for people such as students and visitors who entered Canada with a visa on or after January 1, 1989 and made a refugee claim "in-status."

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Refugee Board Panels Determine Refugee Status At the second stage, a full hearing on the refugee claim itself is held before two-member panels of the CRDD. Legal assistance is generally given to applicants through government-sponsored legal aid programs. At this stage, a Board-appointed "refugee hearing officer" replaces the CEIC's "case-presenting officer," to create a less adversarial proceeding. Some Canadian lawyers complain, however, that the RHOs are often adversarial, engaging in extensive cross-examination of applicants.

A positive decision by one member of the panel is sufficient to grant refugee status, a procedure designed to ensure that the claimant is given the benefit of the doubt.

At this point, Canadian Immigration has no further role, except in unusual circumstances involving constitutional challenges.

"When the Board says 'yes', we fold our cards," said John Butt, director of Protection Policy, Refugee Affairs for Canadian Immigration. He said that the government has only appealed one or two cases.

Though the CRRD hearing rooms look like immigration courts in the United States, the RRD Board Members generally do not resemble their counterpart immigration judges in the United States. A striking number of immigrants themselves serve on the Board. In Toronto, the Board includes four Indian Sikhs, two Guyanese, and immigrants from Sri Lanka (a Tamil), Poland, Lebanon, Jamaica, Trinidad, Ethiopia, and an East African Asian. In fact, one of the Board members in Toronto is not even a Canadian citizen and only three have legal training.

Because Canada does not have an equivalent to the U.S. Board of Immigration Appeals with national jurisdiction, no administrative decision on asylum is binding on any other in the Canadian context. Thus, board members seem less bound by precedent decisions than do immigration judges in the United States.

Cases can be appealed to the federal courts on matters of law, but not on the merits of the claim. Canadian immigration lawyers complain that federal court rulings are often contradictory, even though Canada does not have the conflicting federal circuit system that exists in the United States.

Nongovernmental organizations also charge that allowing appeals only on matters of law is too limiting. The Canadian Council of Churches initially challenged 88 provisions of the refugee law as unconstitutional; the "Charter" challenge is still pending. The churches are especially concerned about the government's removal of denied asylum applicants from Canada after the first hearing pending the outcome of their appeals before the Federal Court.

In the first year of the new system, 88 percent of refugee claims were granted at the full hearing. This high approval rate dipped somewhat to 80 percent in the first three months of 1990, and dipped further to 75 percent in the second quarter of 1990. The main reason for the decrease appears to be significantly higher rejections for applicants from Eastern Europe, following the political changes that have occurred there. In 1989, East Europeans were granted asylum 76 percent of the time. By the second quarter of 1990, the approval rate for East Europeans had dropped to 16 percent.

Approval Rates for Selected Nationalities
Canada, January-June 1990

Nationality	First Hearing	Second Hearing
El Salvador	99%	77%
Iran	99%	91%
Lebanon	99%	72%
Somalia	100%	94%
Sri Lanka	99%	90%

Backlogs, Old and New The 1989 law was passed in response to a huge existing backlog, but regulations concerning the backlog were not published for eight months after the bill came into effect. Instead, the government seemed most intent on applying the statutes to new cases, not the backlog. As a result, a person who arrived on January 2, 1989 would have been processed shortly thereafter, and, if accepted, by now would have been joined by family and out of danger. However, someone who arrived from the same country and in the same circumstances a few days earlier still would not have been called for a preliminary interview, his family would be barred from joining him, and his fate would be uncertain.

The Canadian Inter-Church Committee for Refugees (ICCR) submitted a brief this month to the UN Committee for Human Rights, charging that Canada's asylum determination system subjects asylum seekers to "cruel, inhuman, and degrading treatment."

Of particular concern to the ICCR are about 85,000 cases in the backlog that has existed from before the time the new asylum system came into place in 1989.

"Almost all of the claimants have now been in Canada for two years," said the brief, "many for four or more, and almost none have come out of the end of the tunnel."

By the end of July 1990, less than 20,000 cases from the backlog had been completed. Of these, 16,179 had been accepted in principle and were in the process of being "landed" (given permanent resident status), 447 had been landed, 608 had been rejected, and 100 removed (another 2,325 departed voluntarily).

The brief charges that the system discriminates against the earlier claimants, because those who arrived after the new law came into effect move through the system more quickly. "The system of delays, inadequate scheduling practices, and other poor administrative procedures...are real ways of denying the backlog claimants equal access."

To address this problem, the government has hired 50 additional members of its Convention Refugee Determination Division (CRDD) board to deal specifically with the "old" backlog (in addition to about 200 regular Board members). On September 13, B.A. Dougall, director of the backlog clearance program, introduced a new process in which claimants will provide written details of their case. These will be screened prior to an interview, so that stronger cases will move through the system more quickly.

Applicants from the backlog need only establish a low threshold "credible basis" of concern test in order to be landed; they do not need to establish that they are refugees. Those rejected may also appeal their removal on "humanitarian and compassionate" grounds to the Minister of Employment and Immigration (an option also open to more recent applicants).

Of growing concern, however, is the "new" backlog numbering more than 27,000 that has built up from those who arrived after January 1, 1989. Because the Canadians do not again want to dig themselves into a hole like the one that preceded the 1989 law, the Immigration and Refugee Board (IRB) is also moving to streamline the process for the new applicants who appear to have strong claims.

A pilot project in Vancouver and Toronto is testing a determination process based on a paper record, similar to one recently suggested for the backlog cases. This paper screening should expedite the process for the overwhelming majority of cases (about 90 percent) that the government does not contest in the first "credible basis" stage of the procedure. For the second stage--in which refugee status is determined--Robbins said that he would like to see a fast track for claims from the top five refugee-producing countries. Strong claims would go before a single CRRD Board member for quick approval.

Documentation Center One aspect of the Canadian system that has generated much interest in the United States is its documentation center, which collects human rights information related to the determination of asylum claims, as well as abstracts and texts of previous Board and court decisions. In fact, the new U.S. asylum regulations cite the Canadian system favorably, and create a documentation center within the INS modeled on the Canadian one.

"From the start, we intended to serve all parties within the determination system," said Graham Howell, the director of the center. The central documentation center in Ottawa and its five branch offices are open to the public, but priority is given to requests for information directly related to the refugee determination process.

Because of the volume of requests, however, the centers have had to scale back their responses. Said a prominent immigration attorney, Barbara Jackman, "The documentation center is very good, but now it is not responding to individual inquiries from attorneys."

You Can Lead a Horse to Water... Documentation provided by the center seemed to play little role in the hearings we observed. In one case involving a national from the People's Republic of China, the hearing officer presented the Board members with nothing more than a bibliography listing 25 sources on China. No effort had been made to fine tune the information to the specific case or to highlight information that might be relevant.

Another knowledgeable source praised the documentation center as "the best there is," but said, "The Board doesn't use it that much."

Update

- On September 27, The U.S. Border Patrol raided Casa Oscar Romero, a Roman Catholic shelter near Brownsville, Texas. Silvestre Reyes, the chief patrol agent for the McAllen sector, said that the raid was prompted by "national security" concerns, and that agents were particularly looking for Indian Sikhs, according to a report in the Laredo Morning Star. A total of 35 people were arrested, 5 of whom were Indians. The others were 6 Hondurans, 4 Guyanese, 2 Salvadorans, a Guatemalan, and 15 "allegedly" Mexican.

  Sister Norma Pimental, the shelter director, said she could not recall the camp ever having been raided before.

- In an unusual move, the Board of Immigration Appeals has requested the Attorney General to review two recent cases in which it denied asylum to Salvadorans alleging persecution arising from civil war. These cases, Matter of Aguilar and Matter of Pleitez, bear striking similarities to earlier BIA decisions that have been overturned in the Ninth Circuit Court of Appeals (see Refugee Reports, Vol. IX, No. 11 and Vol. X, No. 11). The BIA memorandum to Attorney General Dick Thornburgh said, "A definitive interpretation is necessary in view of the frequency of aliens' claims involving the issues presented and the number of adverse decisions by the U.S. Court of Appeals for the Ninth Circuit in review of Board decisions that address these issues."

- On October 1, seven Haitian human rights and refugee organizations--based in Haiti as well as the United States--submitted a petition to the Organization of American States (OAS) charging that the Haitian Migrant Interdiction Program violates international law. Among other things, the petition calls upon the OAS to declare that the Haitian Migrant Interdiction Program constitutes a serious violation of Articles 27 (the right to asylum), 24 (the right to petition), and 18 (to to effective remedy) of the American Declaration of the Rights and Duties of Man. It also seeks to require the U.S. government to terminate the interdiction program "inasmuch as it constitutes a violation of internationally recognized human rights binding on the United States."

Feature

TIBETAN REFUGEES IN NEPAL: NUMBER FLEEING TIBET INCREASES; 43 FORCED BACK AT BORDER

[In August, Refugee Reports staff writer Hiram A. Ruiz was in Nepal and Tibet. He visited Tibetan refugee sites in Nepal, met with Tibetan leaders and interviewed newly arrived Tibetan refugees there, and met with officials in the Kathmandu office of the UN High Commissioner for Refugees (UNHCR). This report is based in part on that visit]

Nepalese border guards forcibly returned 43 Tibetan refugees on August 7 who had recently fled from Tibet to Nepal. Following their return, the refugees were jailed by the Chinese authorities in Gutsa prison, Lhasa, Tibet.

Since the beginning of August, more than 300 other Tibetans have fled to Nepal and made their way safely to Kathmandu, the Nepalese capital. Some have remained in Nepal and are being assisted by leaders of the established Tibetan refugee community, while others have proceeded to India, where most Tibetan refugees live.

Forced Return Protested In an October 3 letter to the Nepalese Ambassador to the United States, Roger P. Winter, director of the U.S. Committee for Refugees (USCR), expressed "profound concern" over the refugees' forced return, and asked the Nepalese government "to move decisively to prevent further forced returns of refugees to a country where their lives or freedom could be threatened."

An estimated 14,000 Tibetan refugees currently live in Nepal. They are among more than 100,000 Tibetans--most of them now living in India--who, following the lead of the Dalai Lama, fled their homeland

Newly arrived Tibetan refugees in Nepal. *USCR/H. Ruiz*

in 1959. At that time, repression by the Chinese authorities, who had invaded and occupied Tibet in 1950, increased substantially following mass uprisings against Chinese rule.

After 1959, the outflow of refugees came to a virtual halt. But during the past decade, several hundred Tibetans per year have evaded Chinese border guards and fled to Nepal or India. Some who tried never made it, while others were forcibly returned. For example, in June 1989, the Calcutta Statesman reported that seven Tibetans were killed by Chinese security forces while trying to cross into India. In September 1988, Nepalese border guards reportedly handed over 26 Tibetan asylum seekers to the Chinese authorities.

Nearly Half of New Arrivals Are Monks and Nuns The influx of Tibetan refugees into Nepal that began in August came after the lifting of martial law in Tibet on May 1, making it easier for Tibetans to move within the country. Also, at about the same time they lifted martial law, the Chinese authorities forced a number of monks and nuns who were suspected of being pro-independence to leave their monasteries and convents. According to the International Herald Tribune, "Monks and nuns not detained or questioned were escorted back to their home villages, handed over to the local authorities, and told not to practice religion."

These events were confirmed in two interviews conducted in Nepal by Refugee Reports with monks who had recently fled Tibet. Gyaltsen, a 27-year-old from Ganden monastery, joined the March 1989 pro-independence demonstrations. When he returned to the monastery, the Chinese official stationed there turned Gyaltsen in to the police, and he was jailed in Gutsa prison, near Lhasa. Gyaltsen said that 17 other Buddhist monks from Ganden were also imprisoned there. After his release, Gyaltsen was told he would never again be allowed to re-enter the monastery. He was sent back to his home village, where he was not allowed to work and had to depend on his family for food. At that point, Gyaltsen decided to flee Tibet. "Even if I got killed trying," he told Refugee Reports, "it would be better."

Another monk interviewed, a 23-year-old

also from Ganden, told Refugee Reports that he was expelled from his monastery when it was learned that he had raised a Tibetan flag. He too was banned from the monastery and sent back to his village. Wishing to continue active religious life, he fled to Nepal.

According to the UNHCR office in Nepal, approximately half of the more than 300 refugees who have arrived in Kathmandu since August are monks or nuns. Among the 43 refugees returned on August 7, there were 27 monks and 6 nuns.

Deaths, Arrests, Follow Pro-Independence Demonstrations The Chinese authorities imposed martial law in Tibet in March 1989, following the largest and most violent of the estimated 30 pro-independence demonstrations by Tibetans in the past three years. Thousands of Tibetans were reportedly arrested during the 14 months martial law was in effect in Tibet.

According to a May 1990 report by Asia Watch, Merciless Repression: Human Rights in Tibet, in response to these demonstrations, "repressive measures by Chinese authorities have become increasingly drastic and repressive."

"Pro-independence demonstrations," the report said, "have largely begun nonviolently, and the degeneration into violence has generally been precipitated by overt violence on the part of the [Chinese] authorities."

Although the Chinese authorities claim that only 16 people were killed during the three-day March 1989 uprising, other sources report that anywhere between 60 and 450 Tibetans--including a number of Buddhist monks and nuns--were killed. An English-speaking Tibetan man interviewed in Lhasa said that his brother, a monk, was among those killed during the March demonstrations. Since then, he has been awaiting an opportunity to flee the country. One of the refugee monks Refugee Reports spoke with in Nepal said that a fellow monk from Ganden monastery with whom he had gone to the demonstrations was shot but survived.

Torture Although the People's Republic of China (PRC) ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, some of those imprisoned were also tortured. According to a November 1989 report by Physicians for Human Rights, The Suppression of a People: Accounts of Torture and Imprisonment in Tibet, "Torture of Tibetan political prisoners is routine." The report says that prisoners "are beaten with gun butts, truncheons and clubs with nails driven through the ends.... Other forms of torture include hanging prisoners by their wrists, ankles, or thumbs for periods of hours or even days.... Imprisoned nuns have been violated...with electric cattle prods." One of the newly arrived Tibetan refugees interviewed in Nepal told Refugee Reports, "They kicked me in the stomach and hit me in the shoulders and on my back with a stick. At night, although it was cold, they made me take off my clothes and stand naked in the courtyard."

According to a February 1989 Amnesty International report, "Torture and ill-treatment appear to have been particularly frequent at...'Gutsa Prison,' where many of those detained after the 5 March [1989] demonstrations were held." Gutsa is the same prison in which the refugees who were forcibly repatriated from Nepal in August were imprisoned by the Chinese authorities.

New Arrivals Present Thorny Problem The new influx of Tibetan refugees presents problems for the Nepalese government. Nepal is not a signatory to the UN Convention and Protocol Relating to the Status of Refugees, and also has no statutes on its books that relate to the recognition or treatment of refugees. Nevertheless, Nepal has traditionally allowed Tibetan refugees to remain in Nepal safely. But Nepal's geo-political concerns impinge upon its treatment of refugees.

Sandwiched between India and the Chinese in Tibet, Nepal tries to maintain friendly relations with both of its large, powerful neighbors. It does not want to be seen to support or encourage a new outflow of Tibetan refugees, since the exodus of refugees is embarrassing to the Chinese. (An even thornier problem for Nepal is the presence of a small group of Chinese refugees who fled to Nepal in the months following the Tiananmen Square massacre and subsequent clampdown on the pro-democracy movement in China.)

A new government pledged to democratic

reform and improved human rights came into power in Nepal in April, following widespread pro-democracy demonstrations--during which dozens were killed--in that country as well. The new government has shown a willingness to draft legislation that would spell out protections for refugees, but has not yet done so. Meanwhile, Nepal is faced with conflicting political objectives of maintaining friendly relations with China and being seen to respect human rights. This may account for the disparity in the way newly arrived Tibetan refugees have been treated; the majority are allowed to reach Kathmandu safely, but a smaller number are forcibly returned.

The office of the representative of the Dalai Lama in Nepal, which operates a welfare center for Tibetan refugees, is also in a delicate position. His office must be careful not to be perceived by the Nepalese government as in any way encouraging refugee flows, since that would jeopardize its position vis-a-vis the Nepalese government.

Established Refugees Economically Well-Integrated While many problems and concerns surround the newly arrived refugees, the estimated 14,000 Tibetans who for the most part have been living in Nepal since 1959 are generally doing quite well.

According to Paljor Tsering, representative of the Dalai Lama in Nepal, the main problem faced by the established refugee population is their lack of status or proper identification papers. In 1963, Tibetan refugees who were 18 years of age or older were registered and issued identification cards (although Tsering says many refugees avoided registration out of fear). Since then, however, there have not been any further registrations, and a whole generation of Tibetans, mostly born in Nepal--but not Nepali citizens--remain unregistered.

Many refugees have become involved in the Tibetan carpet-making industry, which has flourished in recent years and brought prosperity--or at least a reasonable livelihood--to many refugees. Still, in an interview at the Tibetan carpet factory in the Jawalakhel refugee camp near Kathmandu, a 49-year-old woman who was 18 when she fled Tibet, said that while she and her family get by financially, she misses the independence they had in Tibet, where they lived off the land. "Here, we work for others," she said. "In Tibet, we worked for ourselves."

Job Openings

We have received more announcements for job openings than we have space to print. Abbreviated descriptions follow:

° INS asylum adjudication officers located around the United States for its new adjudication corps. Jobs will be in INS offices in Newark, NJ (8 openings); Arlington, VA (7); Miami, FL (25); Chicago, IL (4); Houston, TX (7); Los Angeles, CA (25); San Diego, CA (2); San Francisco, CA (8).

Contact appropriate INS Regional Personnel Officer: Eastern Regional Office, Federal Bldg., 11 Elmwood Ave., Burlington, VT 05401; Northern Regional Office, Rm. 401, Federal Bldg., Ft. Snelling, Twin Cities, MN 55111; Southern Regional Office, 7701 N. Stemmons Freeway, Dallas, TX 75247, ATTN: ROHRS; Western Regional Office, 24000 Avila Road, P.O. 30080, Laguna Niguel, CA 92677-8080.

° Staff Attorney, El Rescate Legal Services, Los Angeles, California. Contact: Elizabeth J. Cooper, Esq. (213) 387-3284.

° Program and Resource Development Specialist, Ethiopian Community Development Council, Arlington, VA. Contact: Tesehaye Teferra (703) 685-0529.

° Human Rights Program Officer, Carter Center of Emory University, Atlanta, Georgia. Contact: Daniel J. Socolow (404) 420-5151.

° Executive Director, Northwest Immigrant Legal Services Program (a project of the Washington Association of Churches' Immigration and Refugee Program), Seattle, Washington. Contact: Washington Immigration Project (206) 443-9229.

° Staff Attorney, Paralegal, American Immigration Lawyers Association's South Florida Chapter, Miami Florida. Contact: Maria R. Dominguez, Directing Attorney, (305) 576-0080.

SUMMARY OF REFUGEE ADMISSIONS
Fiscal Ye[illegible]90, As of August 31

COUNTRY OF CHARGEABILITY	FY90 REFUGEE ADMISSIONS CEILING	FY TOTAL ADMITTED INTO U.S. AS OF AUG.
AFRICA*	3,500	
Angola		59
Benin		10
Ethiopia		2,856
Ghana		11
South Africa		24
Uganda		27
Zaire		59
TOTAL AFRICA	3,500	3,070
EAST ASIA-1ST ASYL	25,000	
Cambodia		1,992
China (Mainland)		51
Laos		
Highland		4,462
Lowland		2,857
Subtotal Laos		7,319
Vietnam		11,928
TOTAL 1ST ASYLUM	25,000	21,292
ODP	26,800	
Amerasian Immigrant		10,437
Refugee		11,320
TOTAL ODP	26,800	21,757
EASTERN EUROPE	6,200	
Albania		76
Bulgaria		303
Czechoslovakia		340

COUNTRY OF CHARGEABILITY	FY90 REFUGEE ADMISSIONS CEILING	FY TOTAL ADMITTED INTO U.S. AS OF AUG.
EASTERN EUROPE (cont.)		
Hungary		274
Poland		1,417
Romania		3,247
TOTAL EASTERN EUROPE	6,200	5,663
SOVIET UNION	52,100	
Direct		3,050
Non-Direct		46,395
TOTAL SOVIET UNION	52,100	49,445
LATIN AMERICA	2,400	
Cuba		1,065
El Salvador		22
Niceragua		518
TOTAL LATIN AMERICA	2,400	1,610
NEAR EAST/SOUTH ASIA	5,000	
Afghanistan		1,314
Iran		3,199
Iraq		53
TOTAL NEAR EAST/SOUTH	5,000	4,567
PRIVATE SECTOR INIT.	4,000	
PSI CUBANS		1,549
TOTAL PSI	4,000	1,549
GRAND TOTAL	125,000	108,953

* Footnote: The following countries with totals of less than 10 are also included: Africa: Burundi 3, Cameroon 3, Chad 1, Liberia 3, Mozambique 1, Somalia 8, Sudan 5; East Asia: Burma 2; Eastern Europe: Yugoslavia 6; Latin America: Argentina 2, Peru 3; Near East/South Asia: Libya 1.

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INTERVIEW WITH CHRIS GERSTEN, ORR DIRECTOR

In October 1990, Refugee Reports interviewed Chris Gersten, director of the U.S. Office of Refugee Resettlement in the Department of Health and Human Services. We asked him about his first year as director, and what trends he sees in U.S. refugee resettlement in the 1990s.

Mr. Gersten, you have been director of the Office of Refugee Resettlement for about one year. What are your observations about the job? Do you see particular accomplishments at this point that you might want to highlight?

It's an interesting job, very challenging, and a job that will take several years to really master. I expect that it will be another year before I feel that I really will have hit my stride, but I am proud of the efforts of the office during the past year. I think we have had a number of accomplishments.

First, we have worked hard to push demonstration projects designed to keep refugees off welfare. The Fish-Wilson amendment to the Immigration and Nationality Act gave ORR the opportunity to develop innovative approaches for the provision of cash and medical assistance, social services, and case management. We have been successful finally in getting a program off the ground in San Diego. We are also working on a new Fish-Wilson program for Washington State, and I think we'll be able to get that off the ground in 1991. In addition, there are a number of discretionary programs that have been initiated or expanded on in 1990 that I'm pleased about.

The first is the Key States Initiative program, or the KSI. We have continued to support our two programs that are doing very well in Wisconsin and Washington. There are two additional programs in Minnesota and New York which weren't doing so well when I came on board a year ago. I made it clear that we wouldn't continue to fund those programs if they didn't turn around, and they have both turned around and are very successful. These programs are designed to help refugees overcome disincentives to work. For example, the program in Washington is one in which refugees who go off of

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Chris Gersten, the director of the Office of Refugee Resettlement, the federal agency that has had primary responsibility for resettling hundreds of thousands of refugees in the past decade, looks ahead to resettlement challenges of the 90s.......1

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welfare into a job get a subsidy for extra costs they incur in going to work--for example any training, tools, or transportation, or child care costs are paid for by the money that we provide.

One of my goals over the next couple of years is to try to make sure that in every state where there is a welfare dependency rate of over 50 percent that we have some alternative method of delivering public assistance and job services, either through Fish-Wilson or KSI or a combination of both.

We've also expanded another program that works very well--the Planned Secondary Resettlement (PSR) program. The PSR program provides an opportunity for unemployed refugees and their families to relocate from areas of high welfare dependency to communities that offer favorable employment prospects. The staff has been working on this program for several years now. In the past twelve months, the demand has increased enormously for sites that want to bring new refugees in from areas of the country that have a very high level of unemployment, particularly the Central Valley of California. This program works almost exclusively with the Lao Hmong, but we hope to expand it into the Cambodian community this year.

Although intended to be for all ethnic groups, PSR has become a kind of Lao Hmong initiative. Why would that be?

There is a structure in the Hmong community. We work very closely with the Hmong clan leaders. If they encourage resettlement, then the individual families will follow. If the clan leader says, "It's a good idea, we think you should move into this site where we know you can get work; we think that's an important priority for the Hmong community, and so you should do it," that's more persuasive than we can be directly. And that structure doesn't exist in any other refugee community outside the Hmong community.

The costs of PSR are something like $10,000 per family?

Right, and the government saves that much money in 10 months--in less than a year. We have found that of all the families that have been moved--a couple hundred families, and all of them had been long-term unemployed at the time of movement--one hundred percent remained employed one year after they had been moved. This is a tremendous success, and I think it is very telling as we try to understand motivation for refugees to go on welfare. I think we see that the motivation for work is there, and if we can simply get these folks into a community where there is work, then we'll see the unemployment numbers drop a great deal.

One big ticket question obviously is the budget. Budget constraints in FY 90 forced ORR to make midyear cutbacks on reimbursement to states for cash and medical costs and ORR still was faced with a budget shortfall of approximately $50 million. Could you talk about that FY 90 budget shortfall and how it came about?

In 1990, we had $210 million for cash and medical [reimbursements to states], and the estimates from the Family Support Administration were that we would be able to cover the categorical programs for four months and refugee cash and medical assistance [RCA/RMA] for 12 months. As it turned out, those estimates were off, and we were only able to cover the categorical programs (AFDC and the others) for a little over one month on the average, and 12 months for the refugee cash and medical assistance. We were very disappointed and unhappy that the estimates had been as far off as they were.

What happened looks like a combination of several factors. First, the nature of the population coming in changed rather dramatically with 50,000 Soviets coming in--including 40,000 Soviet Jews. There were a lot of married couples without children, and single individuals, and when those individuals qualified for public assistance, they cost more per unit than let's say a husband and wife and three children, which is a more normal refugee family. So the unit cost went up.

Second, the medical cost went up. That was also because of the nature of the Soviet population coming in. It is an elderly population, and used to accessing medical care pretty frequently in the Soviet Union. Also there were a number of former [Vietnamese] reeducation camp detainees that came in, and they also represented an older group, most of them over 40, many coming in without children. They also have needed a lot of medical care.

Finally, the flow of refugees, the pattern was different in FY 90 than it has ever been before. The refugees came over much earlier, so instead of getting a large number in September of 1990, which is the usual case, we had a March-April bulge where thousands of extra refugees came in, and they required public assistance and medical care for many more months than is usually the case. We are trying to take those factors into account as we go through the estimating process for FY 91.

Some fundamental shifts in the refugee population are taking place. Increasingly it is a non-Indochinese caseload or, in terms of the Indochinese, there is much more of a reeducation camp focus. How do you see that affecting ORR priorities and programs?

It does look like there will be a lot of former political prisoners coming in--over 10,000 a year, but certainly it could go up from there. We will continue to target the former political prisoners as a special population in need of some special care. We now have a relatively small number of sites--16 sites in 12 states--where we are putting in extra resources from our discretionary account. The numbers will increase, and the amount of money we give to that program may well have to increase.

If we continue to have more political prisoners and many more Soviets who come in, then the unit costs and the medical costs will stay high. We have to be much more accurate in our predictions so the states can know how many resources they are going to have to cover the welfare costs of the refugees. That's our responsibility, and we have to see that is accomplished this year.

What were the overall expenditures for discretionary initiatives in FY 90, and what are some numbers that we can talk about for FY 91?

1990 was $12 million, which was 16 percent of $75 million dollars. In 1991, it will be 15 percent of $85 million in social service funds, minus 2.41 percent in Gramm-Rudman cuts. There was an effort to cut the discretionary money from $12 million back to about $4 million, from 16 percent down to 5 percent. I think that's very unfortunate, and we had the full support of HHS when we went up to the Hill to attempt to overturn that. We were very pleased that we were successful in going from $4 million to $12.75 million.

A number of the programs we serve with the discretionary funds wouldn't get served if the decision-making were left up to the 49 participating states. Because each state would not look and say, "Well, we have to do something special for this group or something special for that group." We look at the groups coming in--at the Amerasians for example--and we say there has to be a national approach to serving the Amerasians, and there has to be a national approach to serving political prisoners. You can't do that without a discretionary account.

What are some specific results that have been achieved with the Amerasian cluster site approach?

The Amerasian program is one that I am very proud of. In FY 90, we increased funding for the Amerasian program from $1 million to $1.5 million, and five or six new cluster sites were added.

The goal was to have one person serve as a catalyst to get all of the local service providers under one roof so the Amerasians could really have access to a wide variety of services. I believe that has been done pretty effectively. Another goal is to have a real volunteer-based program that will service the Amerasians and their families. The best case that we know is in the Greater Washington area where there are roughly 500 volunteers serving the Amerasians.

We also initiated a program to help women refugees this year. Its goal is to make sure that women refugees are given the same opportunities and access to services that men are, which has not always been the case. The other part of it is to provide resources to organizations that provide services to refugee women--Mutual Assistance Associations and community based organizations--so that they can provide some specific services to deal with the problems of spouse abuse on the one hand and to get English language training at the local level for isolated women, on the other.

We also helped the Cambodian community to come together to create a national organization [the Cambodian Network Council] which will help develop a strategy to help reduce welfare dependency.

We have designed some new programs for the Hmong, including something called the Hmong National Strategy. It's designed to develop a national approach to getting Hmong off of welfare. And in 1990, we put $300,000 into Fresno and Merced, California, to develop approaches in those counties to getting Hmong off of welfare.

Another discretionary project, the Job Links program, is fairly new isn't it?

The Job Links program is an outgrowth of former programs with a different name. It's an effort to help states that have a good record in getting refugees employed and providing a help to support special programs that are necessary to keep those programs viable. The concentration of refugees has really escalated the last few years into a small handful of states that have large refugee populations, some of which also have high welfare payments.

We are trying to give money to states that have a good record in resettling refugees but don't have a large influx currently. Therefore, under the formula allocation, they don't qualify for a large grant of social services money and are hard-pressed to keep a service structure going. The rationale is that if you can support a network of services in these communities, you will prevent out-migration from them.

Another discretionary program is designed to help reduce crime in refugee communities. We have an agreement with the Community Relations Service in the Justice Department to pay for conferences which they are organizing in ten metropolitan areas. These conferences are designed to try to get refugees together with the local police because in so many cases the refugees--based on their own experience in their homeland--are frightened by police. They see the police as the problem or as the intimidator. So we get them together with the police force, and a lot of communication takes place.

It's very important for refugees to know that the police are on their side, that they must report crimes. There is an increasing problem with refugee gangs, both in the Vietnamese and Cambodian communities, who prey upon their own nationalities because they know they can intimidate people into not reporting to police.

We also have a series of conferences for refugee mental health designed to help local service providers understand and be helpful to former political prisoners and to Amerasians and their families.

What is the process by which decisions are made to take on a new discretionary project, expand or contract existing projects, or to drop a project?

We are in a constant process of trying to take in information from all the different sources in the community. But it is not possible to please everyone. We try to consult systematically with the state coordinators. We will have an annual consultation early in 1991. We set up two meetings in 1990 with a group of state coordinators and with the U.S. Coordinator for Refugee Affairs, Ambassador Jewel Lafontant. We are trying to have an MAA [Mutual Assistance Association] consultation each year, as well.

We just finished a meeting with the national voluntary resettlement agencies participating in the matching-grant program in New York in September. I think we have to increase our contact and our consultation with the national volags [voluntary agencies] and the local volags, as well.

We have a lot of contact with the State Department and the Immigration and Naturalization Service (INS). The re-education camp detainees program in part was a response to the need articulated by the State Department and INS. They had worked very hard to negotiate the agreements with the Vietnamese government to let the former political prisoners out. We talked to them and included them in our discussions to make sure that their point of view was involved. The same thing was done with the Amerasians.

Other projects develop or grow in response to requests from local service providers.

Looking at the demonstration projects in California and Oregon, what lessons have we learned? Do you envision any further projects of that sort?

We really want to encourage demonstration projects and new and different approaches.

The Oregon Fish-Wilson program has been successful. It has reached its objective of placing at least 75 percent of employable adults in full-time employment within 12 months of their arrival. It's clear that there has been a shared understanding of the goals and objectives of the demonstration project by the different service providers. They have come together in a well-co-ordinated, integrated service-delivery system, with services that are specially tailored to meet the needs of the refugees who are served by the Refugee Early Employment Project (REEP).

The record in California is not clear cut. While the California Refugee Demonstration Project got more refugees employed, it wasn't clear that refugees became self-sufficient at a higher rate or sooner.

I think that the Oregon program is a better model to try to export to other areas, where you have one metropolitan area, not an entire state, and you try to bring all the service providers, all of the MAAs and local volags together under one umbrella.

We have now funded a program in San Diego which involves just one local voluntary agency, Catholic Charities. This program took so long to evolve that I wasn't going to try to change its shape, even though I would rather see more agencies involved.

How do you see Soviet Jewish resettlement faring, looking particularly at the matching-grant program and the 8,000 private sponsorship refugees?

Certainly, the main way that the number of Soviets has affected our program is that our budget for the matching grant program has increased dramatically from $15 million in 1989 to over $50 million in 1990. The Soviet Jews, who made up 39,000 of the 50,000 Soviets to enter in FY 1990, were resettled almost exclusively by the Council of Jewish Federations.

We have done an in-house analysis of the matching grant program, and the preliminary numbers looked pretty good. Over half of the refugees under 65 years old did not access public cash assistance during the first year. This analysis was done in Los Angeles, Chicago, New York and Philadelphia.

The private-sector initiative is a program that I wholeheartedly support and encourage. It is very important to bring private individuals and private institutions into taking responsibility for refugee resettlement. The problem is that it is extremely difficult and expensive, particularly the provision of health care. The fact is that the Council of Jewish Federations settled a record 8,000 Soviet Jews through a private-sector effort in 1990 and are probably not resettling any through this program in FY 1991.

Is there thought of a new discretionary or demonstration project to look at this?

I haven't heard any good ideas on how we could do anything with discretionary dollars to help. I think it probably has to be done on a much broader level than just through ORR, and I know there is a growing interest in Congress to look at ways to help with the medical costs.

I know a lot of ethnic communities want to start to get involved with the private-sector program. I've met with Afghans, Iranians, Ethiopians, and Vietnamese, and they all want to start. Most of these groups are starting with a hundred families, something very small, again because of the health care requirements.

Does ORR have any special plans for targeted assistance in FY 91?

Our targeted assistance budget went up from $38 million to $49 million for FY 91. For the first time, we were given authority to use some of that money in 1990 in a discretionary fashion, up to 10 percent, and we did that. In FY 91, again we will have 10 percent, or $4.9 million of the $49 million, available for discretionary purposes.

The targeted discretionary dollars are going to hire a lot of bilingual people and get money to hospitals that are serving refugees, and to school systems. For example, in Lowell, Massachusetts, where the school system needs a lot of bilingual staff, the discretionary dollars will help them with that.

Where do you think the refugee program will be in the year 2000?

First, under my tenure as the director of ORR, I'm going to be pushing very hard to encourage refugees and service providers to push for early employment, not only where it's been successful, but in those places specifically where it has not been successful, so that there isn't the resentment that has built up in the public's eyes of refugees that come over here and get on the dole immediately. I don't think it's healthy for the refugees and their families.

Second, I think we've seen develop in the last five years a much broader base of intellectual support for bringing in people from other countries, be they refugees or immigrants. So I don't see a weakening of public resolve to take in people from overseas who for one reason or another are in the refugee category. Traditionally, we've had a lot of support among political liberals for refugee and immigrant programs. Recently, a fairly large political contingent of the new right and the neoconservative political movement has jumped on board and now feels that the immigrant and refugee communities are net assets to our society and should be encouraged. So while some sectors weakened in their support, others are increasing their support.

I think that we are likely to see by the year 2000 an increasing role for the private sector. I think that a number of refugee communities want to get heavily involved in this, like the Southeast Asians, the Ethiopians, and the Iranians in California. They want to get involved and bring more refugees from their countries and have responsibility for settling some of their own refugees. And if we solve the problem of medical costs, we are going to see a major increase in the role of the private sector.

Overall, I am optimistic, in spite of the reduction in dollars to refugee programs, that the programs we have are working. The ones that are working we are increasing in scope, and we are developing new programs to serve the needs of the refugees.

Recent Developments

CONGRESS APPROPRIATES $931 MILLION FOR REFUGEE RELIEF AND RESETTLEMENT IN FY 91

Following a long and often bitter debate over the federal budget, Congress passed two refugee program funding bills totalling $931.2 million for overseas assistance, admissions, and domestic resettlement in FY 91. The total figure, which includes funding for the Department of State and the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services, is nearly $87 million more than the Administration had requested. President Bush signed the spending bills into law on November 5.

ORR Gets $41.8 Million More Than Requested

Continuing a trend of giving ORR more money than it asks for each year, Congress added $41.8 million to the ORR budget request, including more than $24 million for cash and medical assistance. The total ORR budget appropriation for FY 91 is $410,630,000. In fact, Congress had approved $420,770,000, which then was reduced by 2.41 percent as a result of Gramm-Rudman cuts.

A total of $234,216,000 will be available in FY 91 to reimburse states for their share of cash and medical assistance costs. ORR had requested $210,000,000, the same amount it had in FY 90.

House and Senate conferees on the budget bill reiterated in a conference report that "priority should be given to maintaining the 12-month reimbursement period for the RCA/RMA [Refugee Cash and Medical Assistance] program." The RCA/RMA program covers public assistance costs for refugees who do not meet family composition or other "categorical" requirements for programs like AFDC (Aid to Families with Dependent Children) and Medicaid.

In FY 90, ORR was able to maintain twelve months of reimbursement to states for RCA/RMA costs, but could only cover about one month of state costs for the categorical programs (see interview with ORR Director Chris Gersten in this issue).

In FY 91, Gersten told Refugee Reports, "We haven't arrived at any suppositions about what kind of equation we'll have" for covering cash and medical assistance to refugees. "We will not necessarily have X months of RCA/RMA and X months of AFDC. We will go through a process of talking to state coordinators and the Family Support Administration and come up with an equation then."

The social services budget in FY 91 will be $82,952,000, of which 15 percent

FY 91 FOREIGN OPERATIONS APPROPRIATIONS FOR THE DEPARTMENT OF STATE (P.L. 101-513)

MIGRATION AND REFUGEE ASSISTANCE

	FY 90 Appropriation	FY 91 Request	FY 91 Appropriation
Refugee Admissions	231,949,000	185,220,000	
Refugee Assistance			
East Asia	23,815,000	39,000,000	
Africa	54,981,000	75,200,000	
Near East	71,900,000	88,300,000	
Latin America	8,000,000	12,700,000	
Resettlement Assistance to Ethnic Turks in Bulgaria	9,957,000	--	
Subtotal	168,653,000	215,200,000	
Refugees to Israel	29,893,000	30,000,000	
International Organizations	11,036,000	11,700,000	
Administration	8,215,000	8,528,000	
TOTAL	449,746,000	450,648,000	485,648,000*

* While the Foreign Operations appropriations bill includes no line item allocations in the MRA budget, it does include 7 separate earmarks.

$45,000,000	For the resettlement in Israel of Soviet, Eastern European, and other refugees.
$10,000,000	For implementation of the Comprehensive Plan of Action for Vietnamese and Laotian asylum seekers in Southeast Asia.
$8,528,000	As a cap for administrative expenses of the Bureau for Refugee Programs.
$1,500,000	For refugee protection programs on the Thai-Cambodian border.
$1,500,000	For the anti-piracy program in Southeast Asia.
$500,000	For Tibetan refugees in India and Nepal. The Senate bill had proposed $1,000,000 and the conferees agreed that "every effort should be made to provide a $1,000,000 program for Tibetan refugees in FY 91."
$250,000	For food, medicine, medical supplies, medical training, clothing, and other humanitarian assistance for any Burmese person in Burma or Thailand who has been displaced as a result of events relating to civil conflict.

The FY 91 appropriations bill also contains a new amendment requiring "that the transfer of any funds...to programs for refugee admissions shall be subject to the regular notification procedures of the Committees on Appropriation."

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE

FY 90 Appropriation	FY 91 Request	FY 91 Appropriation
74,785,000*	25,000,000	35,000,000

* The total FY 90 appropriation for the ERMA fund actually is $84,785,000 if one includes a $10,000,000 appropriation approved by Congress on September 30, the very last day of the fiscal year, as part of a supplemental appropriation for Operation Desert Shield. According to a report by the House Appropriations Subcommittee on Foreign Operations, the additional $10,000,000 "will help address drawdowns from the [ERMA] Fund associated with the unanticipated refugee needs created by the crisis in the Persian Gulf."

FY 91 APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (P.L. 101-517)

REFUGEE AND ENTRANT ASSISTANCE

	FY 90 Appropriation	FY 91 Request	FY 91 Appropriation
Cash/Medical Assistance and State Administration	210,000,000	210,000,000	234,216,000
Social Services	75,000,000	75,000,000	82,952,000
Voluntary Agency (Matching Grant) Programs	40,000,000	40,000,000	39,036,000
Preventive Health	5,770,000	5,770,000	5,631,000
Targeted Assistance	44,052,000	38,052,000	48,795,000
TOTAL	374,822,000	368,822,000	410,630,000

will be available for discretionary projects. The Senate Appropriations Committee had recommended that only 5 percent of social service dollars be used for discretionary grants, but this was increased in the joint conference on the bill.

Congress also added more than $10,000,000 to the ORR budget request for targeted assistance, bringing the FY 91 total to $48,795,000. The new bill requires that 10 percent of targeted assistance funds be used "for grants to localities most heavily impacted by the influx of refugees such as Laotian Hmong, Cambodians, and Soviet Pentecostals, including secondary migrants."

In FY 90, ORR allocated a total of $3.8 million in making 25 targeted assistance discretionary grants for employment, health, and education projects. The single largest grant of $400,000 went to Lowell, Massachusetts to provide the local school system with additional Cambodian bilingual and ESL teachers. Portage, Wisconsin received the smallest grant, $31,590, to provide medical interpretation and intervention services, primarily to Hmong refugees.

Congress Adds $45 Million to State Department Refugee Budget Request Citing increased needs in admissions and assistance and deficiencies in last year's original funding request, Congress appropriated an additional $35 million to the State Department's Migration and Refugee Assistance (MRA) FY 91 budget request, and another $10 million for the Emergency Refugee Migration and Assistance (ERMA) fund.

The MRA budget appropriation for FY 91 totals $485,648,000 and the ERMA fund has been replenished with an additional $35 million, giving it a current total of about

$49 million.

"Increased assistance needs especially in Africa and the large influx of refugees leaving the Soviet Union and coming to the United States and Israel have made the FY 91 request insufficient," said a report by the House Appropriations Subcommittee on Foreign Operations, chaired by Rep. David R. Obey (D-Wis.).

House and Senate conferees on the foreign aid appropriations bill agreed to earmark $45 million for the resettlement of Soviet and Eastern European Jews in Israel (the Administration had requested $30 million). As of November 15, 145,104 new immigrants have arrived in Israel since the beginning of the year, including 132,245 from the Soviet Union, according to the Israeli newspaper Ma'Ariv. About 2,500 immigrants are from Romania, Hungary, Bulgaria, and Poland.

In addition, both the House and Senate Appropriations Committees recommended that all 50,000 of the U.S. admissions spots allocated for the Soviet Union should be fully funded (see Refugee Reports, Vol. XI, No. 10).

The State Department requested $185,220,000 for its MRA budget to admit 121,000 federally funded refugees in FY 91. An additional 10,000 refugees may enter through private-sector initiatives.

The State Department also requested $215,200,000 to assist refugees overseas, an increase of $47 million above last year's request. A report by the Senate Appropriations Subcommittee on Foreign Operations called the assistance increase "badly needed," in that it reversed a five-year downward trend in funding for overseas refugee assistance.

The Senate report noted that while the worldwide refugee population grew from 9 million in 1984 to over 15 million in 1990, U.S. contributions for refugee assistance dropped from $205 million to $168 million in the same period.

"Since the mid-1980s," the report said, "U.S. per capita assistance to refugees abroad has declined from approximately $20 per year to under $10 per year. The consequences of this decline have been catastrophic. The UNHCR [UN High Commissioner for Refugees], for example, has reduced the distribution of food, cooking oil, blankets, tents, and shelter materials in refugee camps. Up to one-quarter of a million infants are suffering from malnutrition and susceptible to infections in their weakened state. The death rate...can be expected to soar. Primary education assistance for children has been crippled, depriving the refugees of any hope for a better life for the next generation."

In order to protect the increase in refugee assistance, House and Senate conferees agreed to add bill language requiring the Administration to notify Congress before any transfers of funds can be made from the refugee assistance account to refugee admissions.

Congress Extends Morrison-Lautenberg "Category Groups", Amerasian Act Congress also used the foreign aid spending bill to extend the life of two special admissions initiatives. Last year's Foreign Operations Appropriations bill included an amendment requiring the Attorney General to establish categories of people from the Soviet Union, Vietnam, Laos, and Cambodia "who share common characteristics that identify them as targets of persecution" (see Refugee Reports, Vol. X, No. 11). Sponsored by Rep. Bruce A. Morrison (D-Conn.) and Sen. Frank Lautenberg (D-N.J.), the amendment lowered the threshold for refugee admission for designated "category groups" until October 1, 1990.

A member of a category group can establish a well-founded fear of persecution "by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution," according to the original Morrison-Lautenberg amendment. The new amendment extends the category group designations and lowered admissions standard until October 1, 1992.

House and Senate conferees also agreed to remove the September 1990 deadline for expiration of the Amerasian special immigrant program. Congress also amended the language of the Amerasian Homecoming Act so that married Amerasians may be accompanied by both their spouse and their mother, and not have to make a choice, as is currently the situation.

A total of 15,147 Amerasians and their accompanying relatives entered the United States as special immigrants in FY 90. The State Department expects to admit a similar number in FY 91.

[Editor's Note: Last month, we carried two stories about portions of the Immigration Act of 1990 most relevant to refugees, the safe haven provision for Salvadorans, and adjustment of status for Nicaraguan, Polish, Hungarian, and Panamanian asylees. This month, we include a wrap-up of the Act, which introduces many far-reaching changes that significantly affect immigrants, asylees, recently legalized aliens and their families, and others.]

OVERHAUL OF IMMIGRATION LAW ENACTED

The Immigration Act of 1990, which is expected to be signed shortly by President Bush, increases the number of persons able to immigrate to the United States annually by nearly 40 percent. The number of visas based on job skills nearly triples from 54,000 per year to 140,000, while family unity-based immigration continues to comprise well over half of 700,000 immigration places allotted for each of the next three years.

Refugees will not be included under immigration caps; numbers of refugee admissions will continue to be determined separately in annual consultations between Congress and the Administration. As a result of those consultations, President Bush recently agreed to admit up to 131,000 refugees in the coming year (see Refugee Reports, Vol. XI, No. 10).

McCarran-Walter Act Grounds of Exclusion Modified The new law dismantles some of the more embarrassing provisions of the 1952 McCarran-Walter Act, a McCarthy era relic that laid down 33 grounds for barring entry of immigrants or visitors to the United States. The law now states that aliens cannot be barred entry based on "past, current, or expected beliefs, statements, or associations" if such beliefs and acts would be lawful in the United States.

Vestiges of the old law remain, however, with membership in the Communist Party, for example, continuing as a ground for exclusion, although membership can be waived on a number of grounds. If membership was involuntary or "for the purposes of obtaining employment, food rations, or other essentials of living," it can be waived as a ground for exclusion. Persons who terminated their membership in the Communist Party at least two years prior to applying for visas will not be excluded. The Congressional conferees said that this provision would likely benefit East Europeans and other "formerly Soviet satellite states... which are no longer controlled by the Communist Party."

New grounds for exclusion have been added; a new section bars aliens believed to be involved with terrorist activities; another excludes aliens who had left the United States to evade military conscription.

A last minute change in the law specifies that representatives or spokesmen of the Palestine Liberation Organization are considered to "be engaged in a terrorist activity," and therefore excludable.

McCarran-Walter language barring "sexual deviants," which had been used to exclude homosexuals, has been expunged, though "polygamists" remain excludable.

The specific listing of the HIV virus and AIDS, which had been added as a ground for exclusion in 1987, was removed from the law, though the Secretary of Health and Human Services is now authorized to exclude any alien found to "have a communicable disease of public health significance."

IRCA Follow-up The Act also cleans up some of the loose ends remaining from the Immigration Reform and Control Act (IRCA) of 1986. The new law gives IRCA temporary residents an additional year to adjust to permanent status. It also prevents the deportation of certain spouses and children of aliens who legalized under IRCA and allows them to work, codifying and expanding the Immigration and Naturalization Service's "family fairness" program.

The act also imposes fines on employers who discriminate against job applicants on the basis of immigration-related characteristics, a response to allegations of widespread discrimination towards foreign-looking job applicants arising from IRCA's employer sanctions (see Refugee Reports, Vol. XI, Nos. 1 and 3).

The bill almost died at the eleventh hour when members of the Hispanic Caucus, led by Rep. Edward R. Roybal (D-Cal.), threatened to keep the bill off the House floor because of their objection to a provision that would have created a pilot program to "secure" drivers licenses for use as work authorization documents to meet the IRCA employer sanctions requirements.

Roybal termed the provision "repugnant", warning that it would be a first step toward a national ID card. Hispanic advocates have objected to a national ID card, saying that only minorities would be required to show it, even if the program were universal.

After a midnight conference with the Senate, this provision was dropped from the bill. The bill came so close to dying that Moakley joked that it should be named "The Reincarnation Act of 1990."

Specific Provisions Likely to Benefit Certain Nationalities The Act creates a program to begin in FY 95 that would admit nonsponsored "diversity" immigrants from countries which have had relatively low U.S. immigration in recent years (such as Ireland, Poland, Italy, and some African countries). Northern Ireland will be considered as a separate state for the purposes of the diversity program. Once the diversity program kicks in, 55,000 visas per year will be allocated to it. For FY 92-94, the Act provides a "diversity transition" program, in essence, an "amnesty" for undocumented persons from these countries who can prove that they have a secure job in the United States. By statute, 40 percent of the 40,000 visas for each of the three years of this program will be allocated to Ireland.

As a result of adjustments in the second preference category and an increase by 5,000 places in the previous 20,000 limit on immigration from a single country, more Mexican spouses and children will be able to join their families in the United States.

Hong Kong will not only benefit from the lifting of the country limit, but from a provision of the law that defines Hong Kong as a country for the purposes of the Act (as a territory, immigration from Hong Kong had previously been limited to 5,000 per year). Although the number of visas will be limited to 10,000 per year for the next three years, another 12,000 visas will be made available for employees of U.S. businesses in Hong Kong and their families. This is seen as a confidence-building measure as the colony reverts to China.

Also included is a provision for providing 1,000 visas per year for a three-year period for displaced Tibetans in Nepal and India. The House version of the bill had included a similar provision for Lebanese, which did not survive the House-Senate conference. The conference did recommend expedited issuance of second and fifth preference visas for Lebanese.

Asylum and Safe Haven The number of asylees who are permitted to adjust to permanent resident status doubles from 5,000 to 10,000 per year.

Asylees from Nicaragua, Poland, Hungary, and Panama will now be able to adjust to permanent resident status without having to re-establish that they are refugees following the changes of government in their homelands (see Refugee Reports, Vol. XI, No. 10).

The Act also includes criteria for the Attorney General to use in granting stays of deportation to nationality groups based on armed conflict, natural disasters, and other extraordinary, temporary conditions in their home countries (see Refugee Reports, Vol. XI, No. 10). Congress recommended that the Attorney General extend temporary protected status (TPS) to nationals of Kuwait, Lebanon, and Liberia.

In the case of Salvadorans, however, Congress requires the Attorney General to grant TPS, so that Salvadorans who register will be authorized to work and be protected from deportation for an 18-month period that will expire in June 1992, unless extended by the Attorney General.

Part of the compromise on this provision was a promise from Rep. Joe Moakley (D-Mass.) and Sen. Dennis DeConcini (D-Ariz.)--the two major architects of the Salvadoran safe haven provision--not to reintroduce any measures to extend Salvadoran protection beyond June 1992.

At the end of the moratorium on Salvadoran deportations, the INS will be able to issue Orders to Show Cause (OSCs) initiating deportation proceedings against those who registered for TPS. Failure to depart or appear at a "show cause" hearing will result in in absentia deportation hearings and ineligibility for certain discretionary forms of relief from deportation.

In Absentia Deportation Orders for Failure to Appear at Hearings Provisions for in absentia deportation are more generally applicable than just for Salvadorans at the close of TPS. Addressing a problem identified by a GAO study as a failure of asylum seekers to appear at their hearings (see Refugee Reports, Vol. XI, No. 3, which also includes a Harvard University study that challenges the GAO findings), a provision of the Act permits immigration judges to order aliens deported *in absentia* if they fail to appear at their hearings.

Carol Wolchok of the American Bar Association said that this and other provisions constitute "micromanaging" of the court system by Congress. Wolchok noted that those who fail to appear for asylum hearings will not be eligible for most forms of relief from deportation for a five-year period. Only exceptional circumstances--defined as "serious illness of the alien or death of an immediate relative"--constitute valid excuses for failure to appear.

"With only seven or eight centers in the country for adjudicating asylum claims under the new system," said Wolchok, "what will happen if someone's car breaks down or their train or plane is delayed?"

Wolchok said, "The Congressional response is way out of proportion to the problem and sets a very punitive tone."

Asylum and Withholding Precluded for "Criminal Aliens" The Act takes a hardline against "criminal aliens". It expands the number of crimes included in the definition of "aggravated felony," including illicit trafficking in any controlled substance; it eliminates trial judges' power to grant discretionary relief from deportation to aliens convicted of deportable crimes; it also makes aggravated felons ineligible for asylum, and, by identifying them as having committed a "particularly serious" crime, precludes them from withholding of deportation.

The UN High Commissioner for Refugees (UNHCR), among others, criticized the blanket prohibition on asylum for aggravated felons. In a letter to Sen. Simpson written at an earlier stage of the legislative process, UNHCR's Washington, D.C. Representative, John McCallin, said that the seriousness of crimes committed must be balanced against the severity of persecution a refugee might face upon return. "Thus," he said, "if there exists a reasonable possibility of very severe persecution, e.g., execution or torture, the offense must be exceptionally serious and the threat to the community very grave in order to justify return to such persecution. In making such an assessment, both aggravating and mitigating factors should be taken into account. Factors which might mitigate against return to severe persecution would be age, lack of prior convictions, evidence of rehabilitation, etc."

Among other "get tough" provisions intended to expedite deportation of aliens convicted of crimes is authority to hire 20 new immigration judges to hear deportation cases of aggravated felons. The Act also authorizes the hiring of an additional 1,000 Border Patrol personnel, accords INS officers wider general arrest authority, and allows them to carry firearms.

Skilled and Low-Skilled: The Job Question

While the refugee-rights community is concerned (and in some cases, happy) about the provisions already mentioned, for most, the Immigration Act is about jobs and family unity.

One of the few to voice his opposition to the conference report when it reached the House floor, Rep. John Bryant (D-Tex.) charged that the bill would take jobs away from Americans. "The fact of the matter is that while this bill would admit 140,000 new permanent workers every year, we today have people in our country who cannot work, who are able to work, and are willing to work, but cannot find jobs," he said. "The effect of this bill is simply going to be to drive down the value of their labor, which they are going to have a difficult time marketing even under the present circumstances."

The principal author of the House bill, Rep. Bruce A. Morrison (D-Conn.), chairman of the Immigration, Refugees, and International Law Subcommittee, countered that skilled workers would be filling positions that otherwise would not be filled. "Americans retain their jobs. American businesses expand in order to hire more Americans."

Others criticized the low number of visas for low-skilled workers. Addressing the concerns of families looking for childcare help, Rep. Constance A. Morella (R-Md.) said that the 10,000 per year limit on employer-sponsored, low-skilled workers "will prevent many American workers, especially women, from pursuing careers while also caring for their families."

Bryant also lashed out at a provision that would allow 10,000 millionaire investors to immigrate every year, calling it "the sale of American citizenship to anyone with $1 million." Bryant asked, "Have we lost all our self-respect? Are we willing to sell our most prized possession just to get money?"

Several conservative members of the House who had opposed the earlier House version, now answered with an emphatic "yes". Rep. Lamar Smith (R-Tex.), noting that each millionaire investor will be required to create ten new jobs, called these visas "the only provision of the immigration bill that is absolutely guaranteed to create jobs and produce revenue for the U.S. government."

The final version passed the House by a 264-to-118 margin. With little debate, the bill passed the Senate by an 89-to-8 vote.

LEAKED CRITIQUES OF INS MANAGEMENT DELIVER A ONE, TWO PUNCH

A General Accounting Office (GAO) draft report critical of Immigration and Naturalization Service (INS) management was leaked to the press on November 13, followed a week later by media accounts of a series of highly personal and inflammatory leaked memos from INS General Counsel William P. Cook attacking INS Commissioner Gene McNary and virtually everyone else at the agency.

Only a week before the GAO report was covered in the press. Attorney General Dick Thornburgh had signalled how troubled the agency is by announcing the appointment of a group of senior executives to assist McNary in reforming the operation of the INS. "The INS must be better able to respond to its mission in a more efficient manner," said Thornburgh.

The GAO report noted that the problems at the INS predate McNary, saying, "Over the past decade, weak management systems and inconsistent leadership have allowed serious problems to go unresolved. As a result, the agency had degenerated into a group of segmented autonomous programs, each trying to handle its own set of problems with little attention given to their interrelatedness." But the problems have been compounded, the GAO found, under the current INS organizational structure by "complicated lines of authority" and "a chaotic budget development process" which shows "little accountability for funds or attention to agency-wide priorities."

Among the specific findings of the 177-page GAO report are duplication of enforcement responsibilities; long delays in adjudications (a 31-month average wait for asylum decisions in Chicago, for example); excessive overtime costs ("INS officials told GAO overtime was difficult to control because many inspectors and supervisors have become accustomed to earning from $10,000 to $20,000 extra a year in overtime pay."); staffing shortages and inadequate security at INS detention facilities (for example, at El Centro, whose population is nearly all serious felons, has less than half the stuff required).

The Cook memos add volatile fuel to the fire. "Reorganization is a disaster," he says flat out. "Since he [McNary] has not removed any of the incompetents who worked here at headquarters for Nelson and Buck [the previous Commissioner and Acting Commissioner, respectively], the inmates are once again running the asylum." Cook observes that internal turf battles have brought activities in the field to "a virtual standstill." Cook charges that Deputy Commissioner Ricardo Inzunza "was put in to satisfy the Hispanic community," but that his duties had been reduced "to the point of embarrassment."

But Cook reserves his harshest criticism for McNary himself. "He has adapted the 'be everything to all people' public persona, while privately, he says the opposite or takes counsel from people at the INS who try to talk him out of commitments he has already made to the Department (e.g. asylum program) or to outside groups."

Update

- Citing Malaysia's "callous pushback policy of forcing boats loaded with refugees back out to sea," Congress has included Malaysia on a list of five countries prohibited from receiving International Military Education and Training (IMET) funds in FY 91. The other four countries are Zaire, Liberia, Sudan, and Somalia.

"With the military establishments of the [African] nations engaged in blatant abuse of human rights," said a Senate Appropriations Committee report, "the Committee can find no justification for the provision of free military training. As for Malaysia, the Committee cannot support the provision of grant military training when the government of that nation is refusing asylum to refugees fleeing Vietnam."

Since May 1989, Malaysian authorities have pushed back more than 10,000 boat people, with six deaths known to have resulted.

The IMET prohibition language was included in the Foreign Operations Appropriations Bill (P.L. 101-513), signed by President Bush on November 5.

° Amnesty International reported October 23 that Salvadoran death squads had killed at least 45 people between January and August, more than double the number for the same period last year.

The organization's report noted that bodies of victims showed signs of brutal torture and mutilation. At least four of the killings occurred within days after a July 26 human rights agreement was signed between the government and the Frente Farabundo Marti de Liberacion Nacional (FMLN). AI also expressed concern at the number of reports of abductions and killings of prisoners by the FMLN over the past year.

° On November 20, a three-judge panel of the Ninth Circuit Court of Appeals struck down a government appeal of the Orantes-Hernandez suit, which had charged the Immigration and Naturalization Service (INS) with coercing Salvadoran asylum seekers into dropping their asylum claims and returning to El Salvador. The panel ruled unanimously that the INS had engaged in coercive practices against Salvadoran asylum seekers.

° President Bush declared October 30 as "Refugee Day". In making the proclamation, Bush said, "Ever since the first Europeans came to this country in search of freedom and opportunity, America has been viewed as a safe haven and a source of hope for millions of people around the globe."

° Thorvald Stoltenberg has resigned as the UN High Commissioner for Refugees after only ten months on the job. He returns to Norway to serve in the government. It appeared that UN Secretary General Javier Perez de Cuellar would nominate his top aide, Virendra Dayal, an Indian national, to fill the post. However, after opposition to his candidacy from the United States and other governments charging "cronyism," Dayal withdrew his name. In withdrawing, Dayal said that he found "the controversy whether a non-European can be worthy of the post... demeaning."

° Ralston Deffenbaugh, Jr. has been named executive director of Lutheran Immigration and Refugee Services, succeeding Donald H. Larsen, who died in May. Deffenbaugh, a 38-year-old attorney, served as director of the Lutheran Office for World Community at the UN, and, most recently, acted as legal advisor to the Lutheran Bishops of Namibia.

Meetings and Conferences

NAFEA TO HOLD 12TH ANNUAL CONFERENCE ON INDOCHINESE EDUCATION AND SOCIAL SERVICES

The National Association for the Education and Advancement of Cambodian, Laotian, and Vietnamese Americans (NAFEA) will hold its 12th annual national conference on April 18-20, 1991 in St. Petersburg, Florida. This year's theme is "Agenda for the 90's: Participation, Progress, and Pluralism."

The Program Committee invites proposals for presentations, workshops, or panel discussions dealing with issues relating to the main theme. The deadline for submission of proposals is January 15, 1991. For more information contact Cindy Le, Florida Atlantic University, College of Education, Multifunctional Resource Center, 500 N.W. 20th Street, MT 17, Boca Raton, FL 33431. Tel: 1-800-328-6721. Fax: (407) 367-2319.

Resources

"LINES OF FIRE" DOCUMENTS REVOLUTION IN BURMA

A new documentary on Burma shows some of the many faces of oppression and resistance that have embodied that country's history for more than 40 years. Written, produced, and directed by American journalist Brian Beker, "Lines of Fire" was filmed on location along the Thai-Burmese border, in the jungle strongholds of the ethnic insurgents who have been engaged in a long struggle for self-determination with the forces of Burmese dictator Gen. Ne Win. Videotape smuggled out by students shows the bloody uprising of September 1988, in which thousands of unarmed demonstrators marching for democracy in the streets of Rangoon, Mandalay, and many smaller towns were gunned down by Burmese troops. Following the crackdown, thousands of students fled to the border, where they have joined forces with the Karen, Mon, and Karenni armies or sought asylum in Thailand.

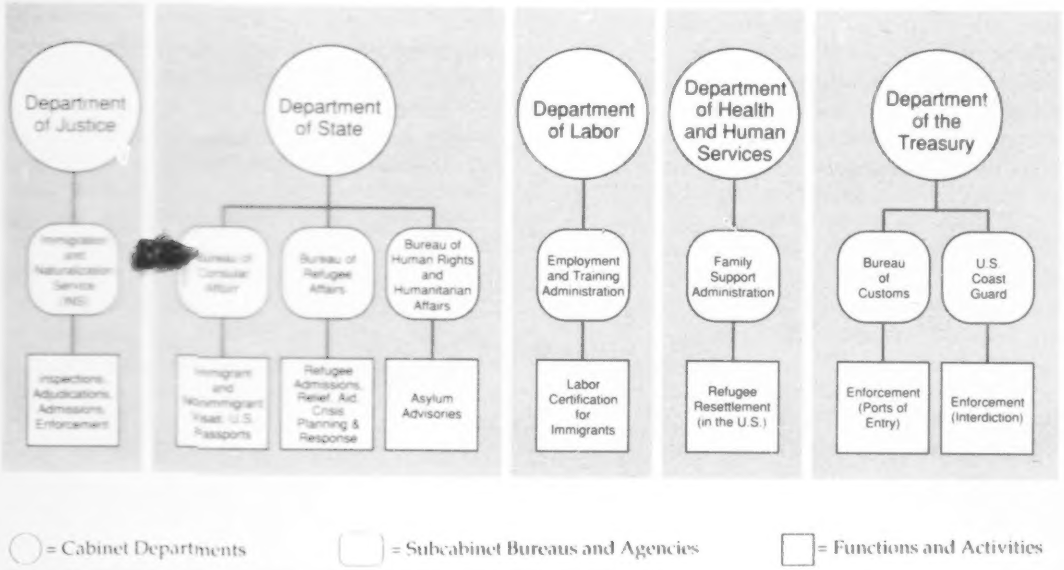
The film is available in a 62-minute and 58-minute version. For more information contact First Run Features, 153 Waverly Place, New York, NY, 10014. (212) 243-0600.

Photo: USCR/H. Ruiz

USCR VIDEO AND ISSUE BRIEF ON LIBERIA

U.S. Committee for Refugees (USCR) Policy Analyst Hiram A. Ruiz recently returned from a site visit to Monrovia, Liberia. He has made a video, *Liberia: A Friend in Need,* that focuses on the humanitarian crisis in Monrovia. The video shows the death and destruction perpetrated primarily by late President Samuel Doe's armed forces, and documents security concerns and health problems, especially among internally displaced civilians. Today, half of all Liberians are uprooted by violence. The video is available for $10.00 from USCR (202) 347-3507. Also available from USCR is an Issue Brief by Ruiz based on his findings during the site visit and incorporating his recent testimony before the Senate African Affairs Subcommittee.

Current Government Organizational Structure for Migration Affairs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Bureau of Consular Affairs
Immigrant and Nonimmigrant Visas; U.S. Passports
Bureau of Refugee Affairs
Refugee Admissions, Relief, Aid, Crisis Planning & Response
Bureau of Human Rights and Humanitarian Affairs
Asylum Advisories
Department of Labor
Employment and Training Administration
Labor Certification for Immigrants
Department of Health and Human Services
Family Support Administration
Refugee Resettlement (in the U.S.)
Department of the Treasury
Bureau of Customs
Enforcement (Ports of Entry)
U.S. Coast Guard
Enforcement (Interdiction)
= Cabinet Departments
= Subcabinet Bureaus and Agencies
= Functions and Activities

Source: Prepared by the Commission for the Study of International Migration and Cooperative Economic Development.

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1990 STATISTICAL ISSUE

This is our special year-end statistical issue. In addition to tables and graphs on international and domestic refugee programs, the issue includes the index for Refugee Reports *for Volume XI. This issue begins with updates of refugee news.*

° All Salvadorans and Guatemalans who have been denied asylum since 1980 will be allowed to have their claims re-adjudicated, and the Immigration and Naturalization Service (INS) will stop deporting Salvadorans and Guatemalans, as a result of a December 19 settlement of the American Baptist Churches v. Thornburgh class action suit. The settlement is likely to lead to the reconsideration of as many as 150,000 denials. The settlement applies to all Salvadorans in the United States as of September 19, 1990 and all Guatemalans in the United States as of October 1, 1990 who have not been convicted of an aggravated felony. Attorneys for the plaintiffs estimate that the settlement will affect 500,000 Salvadorans and Guatemalans.

Under the terms of the settlement, the INS affirms that "foreign policy and border enforcement considerations...the fact that an individual is from a country whose government the United States supports...[and] whether or not the United States Government agrees with the political or ideological beliefs of the individual [are] not relevant to the determination of whether an applicant for asylum has a well-founded fear of persecution." The INS also affirmed that the asylum standard for Salvadorans and Guatemalans should be the same as applies to all other nationalities.

The settlement also requires that State Department advisory opinions on asylum claims include the statement: "This letter is advisory only. It is only one of several sources of information relevant to the applicant's claim. You may also rely on material provided by other credible nongovernmental sources and international organizations."

The suit originally arose in 1985 to prevent the Justice Department from prosecuting sanctuary movement activists. The suit was redrafted and went forward, based on its allegation of discriminatory treatment of Salvadoran and Guatemalan asylum seekers.

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° Apprehensions of undocumented aliens passed the million mark in FY 90, totaling 1,169,937. Fully 93 percent of that total were Mexican. Although Mexican apprehensions increased by 26 percent, Nicaraguans' decreased by 52 percent and other Central Americans' by 21 percent. This reverses a trend of several years' duration:

Nationality	1988	1989	1990
El Salvador	14,322	20,251	16,953
Guatemala	9,246	13,434	9,707
Honduras	3,943	7,133	5,695
Mexico	949,722	865,292	1,092,258
Nicaragua	3,280	9,375	4,457
All	1,008,145	954,242	1,169,937

° Sadako Ogata, a 63-year-old Japanese scholar, has been nominated as the new UN High Commissioner for Refugees. She would be the first woman to hold the post. If confirmed by the UN General Assembly, she will replace Thorvald Stoltenberg of Norway.

° The number of Liberians uprooted by the year-long civil war in that country has grown to more than 1.28 million, including 780,000 Liberian refugees in neighboring countries and at least 500,000 persons displaced within Liberia, and food delivery to displaced Liberians remains shaky.

A cease-fire that was agreed at a November 27 meeting of all the parties to the conflict has largely held so far, though it has not led to a political solution. An interim government, backed by the West African peace-keeping force known as ECOMOG, took office in late November but has not been recognized by the largest rebel group, led by Charles Taylor.

The population of Monrovia has skyrocketed from an estimated 150,000 in September to more than 400,000 in December. The new arrivals are both former residents of the city who had become displaced due to the fighting in the capital and are now returning, and newly displaced people from the rural areas who are flocking to Monrovia in search of food. The growing numbers have overwhelmed an already stretched relief network. According to recent reports, rice stocks in Monrovia were due to be depleted by late December, and no further food shipments were scheduled until early January.

° Thousands of Chadians have fled into neighboring countries following the overthrow of former president Hissein Habre by rebel leader Idriss Deby. An estimated 3,000 Chadians have fled to Cameroon, while some 1,000, including a number of former soldiers, have entered Niger. In Cameroon, the refugees have entered the same areas where Chadian refugees who had fled the country when Habre seized power were living. Cameroon has stepped up security there to prevent clashes between the refugee groups.

° The Thai government has officially closed Na Pho camp to third-country resettlement except on a case-by-case basis. As of September 30, 1990, all lowland Lao arrivals have been placed in Nong Saeng detention center, pending an interview for refugee status. Thai officials have indicated that those who are screened in will be moved to Phanat Nikhom for resettlement processing; the screened-out will remain in Nong Saeng until they return to Laos.

Na Pho camp currently holds 12,521 Laotian asylum seekers, primarily lowland Lao, according to the American Embassy's Refugee and Migration Affairs Office in Bangkok. In FY 90, a total of 961 lowland Lao arrived in Thailand, while 933 voluntarily repatriated. In the same period, 3,564 lowland Lao were resettled in the United States and 849 went to other countries.

Thai officials also have announced that Ban Vinai camp for highland Lao will be closed by 1992. During the next two years, Hmong or other highland groups interested in resettlement will be moved to Phanat Nikhom for processing. All others will be moved to Chiang Kham camp in Nan Province to await repatriation.

As of September 1990, Ban Vinai had a population of 26,082, virtually all highlanders. Another 22,160 highland Lao were in Chiang Kham. Ban Vinai camp has been officially closed to new arrivals since April 1983, but unregistered arrivals have numbered several thousand each year.

In 1988, for example, the Thai government allowed the UN High Commissioner for Refugees (UNHCR) to register about 9,800 Hmong who had been living in Ban Vinai without registration. They subsequently were moved to Chiang Kham. Screening began in early December of another 3,800 unregistered Hmong in Ban Vinai.

Since 1980, more than 5,600 Laotians have returned home under UNHCR auspices, of whom 4,300 were lowlanders and 1,340 were highlanders. In August 1989, the Thai and Lao governments reached an agreement to repatriate a total of 300 Laotians per month, but that figure was never reached in 1990.

° Thai authorities rounded up more than 700 Burmese illegal immigrants and deported them from Ranong to Victoria Point in late November, according to a report in the Bangkok Post. In a three-day crackdown, Thai police arrested 724 undocumented Burmese in the southern town of Ranong, including 120 children under the age of 12. The Post estimated that 15,000-20,000 Burmese live and work illegally in Ranong Province, including 4,000 students who fled into Thailand after a Burmese military crackdown on pro-democracy demonstrators in September 1988.

Ever since two Burmese students who were living in Bangkok hijacked a Thai Airways International flight to Rangoon on November 10, Thai policy toward the students has hardened. Regulations issued by the Ministry of Interior (MOI) on November 21 permit all concerned government agencies to interdict Burmese entering the country for employment or to engage in political activities against Burma.

The new MOI rules also require all Burmese students and monks in Thailand to halt their political activities or face legal action, and impose jail terms or fines on any individual or organization giving assistance to illegal Burmese in Thailand.

° After months of planning, a last-minute postponement, and a substantial number of drop-outs, on December 1, the first flight of Vietnamese "non-objectors" departed Hong Kong on a Dragon Air charter flight and touched down in Hanoi. Aboard were 23 people who, under a new program developed by UNHCR, were categorized as those "who do not volunteer, but who do not object" to repatriation. Of the original group of 111, 86 had changed their minds the day before and remained in the Hong Kong camps.

A total of 83 voluntary returnees filled the spaces left by the drop-outs. Shortly after arriving in Vietnam, the 23 non-objectors held an impromptu press conference and protested that UNHCR had misidentified them. According to press accounts, members of the group expressed fear that they would be singled out for punishment because they had not been listed as returning home voluntarily.

Under the program guidelines, non-objectors are allowed to return to their original homes and are entitled to UNHCR financial aid totalling $360 per person for one year, just like voluntary returnees. UNHCR also is permitted to monitor both groups.

But the chief of Vietnam's Immigration Department, Nguyen Can, lectured the non-objectors when they arrived in Hanoi, saying they could face "reeducation" if they displayed the wrong attitude.

° The Immigration and Naturalization Service (INS) is due to begin accepting registrations for Salvadoran Temporary Protected Status (TPS) on January 2. Registration for temporary safe haven will continue through June 20, 1991, and qualified Salvadorans who register will be allowed to remain in the United States and permitted to work in six-months increments through June 30, 1992.

Only Salvadorans continuously present in the United States since September 19, 1990 are eligible. Other grounds for ineligibility include 1) conviction of a felony or two or more misdemeanors in the United States; 2) inadmissibility as an immigrant and conviction of a narcotics violation (except for simple possession of 30 grams or less of marijuana); 3) or having participated in the persecution of others; committed particularly serious crimes in the United States, or serious nonpolitical crimes outside the United States; and persons who can reasonably be regarded as constituting a danger to the security of the United States.

Upon President Bush's signing of the Immigration Act of 1990 on November 29, the INS Commissioner ordered the release of Salvadorans in INS detention who appeared to be eligible for TPS.

° On December 7, a former Salvadoran death squad member who had admitted killing several people while he was an army intelligence agent, was sentenced to six months imprisonment for unauthorized re-entry into the United States six years after he had been deported.

Reports on September 19 and December 8 in the Washington Post said that the former army intelligence agent, Cesar Vielman Joya-Martinez, had been arrested after appearing at the INS office in Arlington, Virginia to apply for political asylum. According to his lawyer, he feared that members of the Salvadoran army were planning to kill him and make him a scapegoat for murders committed by the death squads.

Joya Martinez admits to having slit the throats of eight prisoners following their torture, and dumping their bodies. Martinez says that he was following orders of his superiors in the Salvadoran army's First Brigade. Martinez told the Miami Herald, "It is the army I fear. They see me as a traitor and that means death."

The INS is still seeking Martinez's deportation, and his asylum claim is still pending before an immigration judge in Arlington, Virginia.

His attorney, Daniel Alcorn, told Refugee Reports, "It is inappropriate to have brought a criminal charge against someone seeking asylum." Alcorn is appealing the conviction.

° A federal judge has ruled that government agents do not have "unfettered discretion" to infiltrate churches, but can only enter without warrants in cases in which they are invited by church members to participate in criminal activities.

The case arose in Tucson in January 1986, when four Protestant congregations and two denominations filed suit against the INS for the "chilling effect" on the exercise of religion of its undercover operation against the sanctuary movement.

Phoenix Judge Roger D. Strand ruled that "the government is constitutionally precluded from unbridled and inappropriate covert activity, which has as its purpose or objective the abridgement of the First Amendment rights of those involved."

° At least 15 persons were shot and killed along the U.S-Mexico border in 1990, according to the December 11 Washington Post. Nine were killed by Mexican bandits, four by the U.S. border patrol, one by a San Diego policeman, and a 12-year-old Mexican boy was shot and killed by a U.S. civilian. No charges have been filed against law enforcement agents in any of the killings. INS Commissioner Gene McNary said he would review agents' field tactics "to determine what steps the INS can take to eliminate or dramatically reduce these incidents."

° The Seventh Circuit Court of Appeals has upheld the asylum denial of a Polish national who had been a Solidarity activist. In upholding a Board of Immigration Appeals decision, the court ruled in Kubon v. INS that Solidarity is now part of Poland's governing coalition and that the applicant no longer had good reason to fear persecution.

Reader Exchange

INTERNATIONAL HUMAN RIGHTS LAW: REFUGEES--FACING CRISIS IN THE 90s

A special issue of the International Journal of Refugee Law features papers presented at the Lowenstein Symposium on International Human Rights Law at Yale Law School and other articles examining refugee policy for the 1990s. The 350-page volume includes contributions from refugees and experts having practical experience in early-warning, material assistance, famine relief and protection, and forced repatriation. Special attention is paid to refugee problems in Southeast Asia and the Horn of Africa.

Authors include Sadruddin Aga Khan, former UN Coordinator for Economic Assistance Programs Relating to Afghanistan, Nicholas Morris of UNHCR, Le Xuan Khoa of the Indochina Resource Action Center, Rita Fan of the Executive and Legislative Councils of Hong Kong, Thomas Getman of World Vision, Gregg Beyer of the Immigration and Naturalization Service, Peter Walker of the League of Red Cross and Red Crescent Societies, Guy S. Goodwin-Gill of Carleton University (and editor of the IJRL), Arthur Helton of the Refugee Project of the Lawyers Committee for Human Rights, Gordon Fairweather of the Immigration and Refugee Board of Canada, James Kelly of the U.S. State Department, and Refugee Reports writers Hiram Ruiz, Court Robinson, and Bill Frelick.

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INDOCHINESE REFUGEE ACTIVITY
Cumulative Since April 1975

COUNTRIES OF ASYLUM/RPCs	POPULATIONS AS OF 9/30/90	FY 90 ARRIVALS	ADDITIONS SINCE APRIL 1975	TO U.S.	3RD COUNTRIES	VOLUNTARY REPATRIATION	RELOCATION
HONG KONG	53,755	9,305	192,773	51,222	67,246	4,547	0
MACAU	229	9	7,675	2,427	3,766	0	0
INDONESIA	19,372	14,847	124,400	42,819	42,329	53	0
MALAYSIA	15,792	4,385	257,624	89,441	102,760	188	0
PHILIPPINES	8,201	1,331	53,704	10,262	17,327	53	0
SINGAPORE	168	210	35,246	5,709	21,072	1	0
JAPAN	862	657	3,755	3,047	4,903	0	0
KOREA	228	16	365	8	108	0	0
TAIWAN	165	0	38	2	18	0	0
OTHER	0	0	40,851	3,242	28,718	0	0
THAILAND - KHMER	15,016	2,075	246,679	50,426	78,129	128	41,172
THAILAND - HIGHLANDERS	52,226	4,900	169,831	53,355	21,910	1,340	0
THAILAND - LAO	13,229	1,259	194,352	72,163	47,148	4,331	1,000
THAILAND - VIETNAMESE	15,636	10,585	153,935	37,384	46,502	112	0
SUBTOTAL THAILAND	96,107	18,819	764,797	213,328	193,689	5,911	42,172
TOTAL 1ST ASYLUM	**194,879**	**49,579**	**1,481,228**	**421,507**	**481,936**	**10,753**	**42,172**
REF. PROCESSING CENTERS (RPCs)							
BATAAN	11,518	7,148	221,153	217,526	6,281	0	12
GALANG	0	0	55,501	50,651	4,669	0	0
PHANAT NIKHOM	3,599	10,955	68,260	65,290	7	0	349
TOTAL RPCs	**15,117**	**18,103**	**344,914**	**333,467**	**10,957**	**0**	**361**
VIETNAMESE TO U.S. IN 1975		--	124,547	123,000	0	1,547	0
OTHER TO U.S. IN 1975		--	12,000	12,000	0	0	0
VN. TO CHINA IN 1977/1979		--	263,000	0	263,000	0	0
GRAND TOTAL	**209,996**	**49,579**	**1,880,775**	**889,974**	**755,893**	**12,300**	**42,533**

Source: U.S. Department of State, Bureau for Refugee Programs.

THE ORDERLY DEPARTURE PROGRAM, FY 90

	ARRIVALS IN RPCs	REFUGEES TO U.S.	NON-REFUGEES TO U.S.						Total ODP to U.S.	Other Third Country
			Amerasian IVs	IVs	NIVs	AMCITs	Pars	Subtotal Non-Refs		
No Subprogram Classification	--	--	--	--	--	--	--	--	--	17,089
Regular Subprogram										
Family Reunification	430	2,955	--	12,539	28	--	5,622	18,189	21,144	--
Former USG Employees	--	230	--	95		--	--	95	325	--
Others		219	--	72	1	--	--	73	292	--
Subtotal	430	3,404	--	12,706	29	--	5,622	18,357	21,761	--
Asian American Subprogram										
Amerasian Children	4,925	30	4,023	9	--	2	--	4,034	4,056	--
Accompanying Relatives	12,294	1,813	9,224	54	--	--	--	9,278	11,091	--
Subtotal	17,219	1,843	13,247	63	--	2	--	13,312	15,147	--
Re-Education Camp Subprogram										
Former Re-Ed Prisoners	3	1,693		315	--	--	--	315	2,008	--
Accompanying Relatives	11	6,545		428	--	--	--	428	6,973	--
Subtotal	14	8,238		743				743	8,981	--
TOTAL	17,663	13,485	13,247	13,512	29	2	5,622	32,412	45,889	17,089
TOTAL FY80 - FY90	66,511	69,866	22,246	39,064	101	85	6,422	67,920	137,776	109,041

RPC--Refugee Processing Center; IV--Immigrant Visa; NIV--Non-immigrant Visa; AMCIT--American Citizen; Par--Parolee.

Source: Bureau for Refugee Programs, U.S. Department of State.

REFUGEE PROCESSING PRIORITIES BY REGION, AS OF DECEMBER 1990

	P-1	P-2	P-3	P-4	P-5	P-6
AFRICA (a)						
Ethiopians in Sudan	X	X	X	X	X	
Africans in Africa	X	X	X	X	X	X
Africans outside Africa (b)	X	X	X	X	X	
EAST ASIA (c)						
Laotians	X	X	X	X	X	
Vietnamese	X	X	X	X	X	X
EASTERN EUROPE (d)						
Albania	X	X	X	X	X	X
Bulgaria	X	X	X	X	X	
Romania	X	X	X	X	X	
NEAR EAST/SOUTH ASIA (e)	X	X	X	X		
LATIN AMERICAN/CARIBBEAN (f)						
Cubans within Cuba	X	X				
Cubans outside Cuba (g)	X					
Non-Cubans within own country	X					
Non-Cubans outside own country	X	X				
SOVIET UNION	X	X	X	X	X	X

NOTES

(a) The following African nationalities are designated as nationalities of special concern: Angolans; Ethiopians; Liberians; Mozambicans; South Africans; Somalis; and Zairians, and other nationalities referred by the UNHCR.

(b) P-1 to P-5 processing for refugees outside Africa is only available to those who were in first asylum countries prior to July 1, 1988.

(c) Vietnamese and Laotians are designated nationalities of special concern.

(d) Albanians, Bulgarians, and Romanians are the designated nationalities.

(e) Afghans, Iranians, and Iraqis are designated nationalities of concern.

(f) Cubans who fled Cuba on or before November 20, 1987 are designated for special U.S. concern, as well as all other Central American and Caribbean nationalities.

(g) Limited P-1 processing is available to Cubans in third countries who fled Cuba on or before November 20, 1987. (Processing for P-2 to P-6 cases who left Cuba before certain cut-off dates is available under the Private Sector Initiative program.)

DESCRIPTION OF U.S. REFUGEE PROCESSING PRIORITIES

PRIORITY ONE: COMPELLING CONCERN/INTEREST: Exceptional cases (a) of refugees in immediate danger of loss of life and for whom there appears to be no alternative to resettlement in the U.S., or (b) of refugees of compelling concern to the U.S., such as former or present political prisoners and dissidents.

PRIORITY TWO: FORMER U.S. GOVERNMENT EMPLOYEES: Refugees employed by the U.S. government for at least one year prior to the claim for refugee status. This category also includes persons who were not official U.S. government employees, but who for at least one year were so integrated into U.S. government offices as to have been in effect and appearance U.S. government employees.

PRIORITY THREE: FAMILY REUNIFICATION: Refugees who are spouses, unmarried sons, unmarried daughters, or parents of persons in the U.S. (The status of the anchor relative in the U.S. must be one of the following: U.S. citizen, lawful permanent resident alien, refugee, or asylee.)

PRIORITY FOUR: OTHER TIES TO THE UNITED STATES:

FOR EASTERN EUROPE, LATIN AMERICA, AFRICA: (a) refugees employed by U.S. foundations, U.S. voluntary agencies, or U.S. business firms for at least one year prior to the claim for refugee status, and (b) refugees trained in the U.S. or abroad under U.S. auspices.

FOR EAST ASIA: (a) and (b) as above, plus (c) persons previously in the civil service or armed forces of the former governments of Indochina who were associated with U.S. government policies or U.S. government supported programs, (d) persons who played a meaningful role in the social, economic, political, religious, intellectual, or artistic life of the former societies of Indochina, including such persons as professors, philosophers, monks, or other transmitters of the cultural traditions of these societies.

FOR NEAR EAST/SOUTH ASIA: (a) and (b) as above, plus (c) refugees who have served in positions of leadership or played a conspicuous role within a religious denomination whose members are subjected to discrimination (such as Iranian Baha'is, Jews, Christians, and Zoroastrians), including the clergy, prominent laymen, those who have served in denominational assemblies, governing bodies, or councils; (d) persons who played significant roles under the Shah and individuals who refuse to adopt doctrinaire Iranian Shi'a religious beliefs, (e) refugees who have become targets of persecution because of a perceived identification with the U.S. or the other nations of the West (including Israel); (f) refugees who because of their religious affiliation have been deprived of employment, have been driven from their homes, have had their business confiscated or looted, have been denied educational opportunities available to others similarly situated, or have been denied pensions that would otherwise be available.

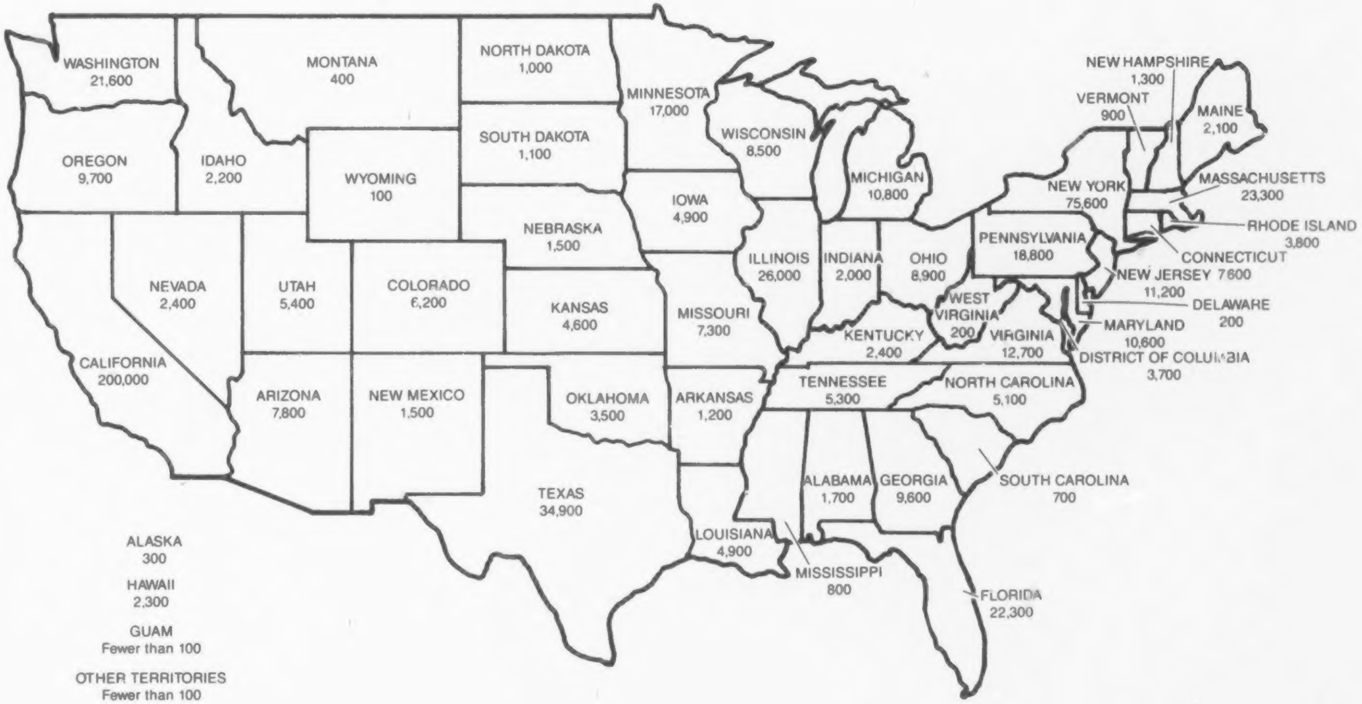
PRIORITY FIVE: ADDITIONAL FAMILY REUNIFICATION: Refugees who are married sons or married daughters, siblings, grandparents, or grandchildren of persons in the U.S., or other more distantly related individuals who are part of the family group and dependent on the family for support.

FOR EAST ASIA, add the following: (a) persons who have not yet reached their eighteenth birthday and who have relatives in the U.S. and no closer relatives in another country outside Indochina.

PRIORITY SIX: OTHERWISE OF NATIONAL INTEREST: Other refugees in specified regional groups whose admission is in the national interest.

FOR EAST ASIA, add the following: (a) persons who have not reached their eighteenth birthday, who are not accompanied by an older relative or guardian in the camps, and whose parents or guardians are deceased or did not escape, and for whom the UNHCR has specifically requested resettlement assistance. Such persons must not have relatives in another resettlement country.

ESTIMATED CUMULATIVE REFUGEE POPULATION BY STATE* INCLUDING ENTRIES FROM 1983 THROUGH SEPTEMBER 1990


WASHINGTON
21,600
OREGON
9,700
CALIFORNIA
200,000
IDAHO
2,200
NEVADA
2,400
MONTANA
400
WYOMING
100
UTAH
5,400
ARIZONA
7,800
COLORADO
6,200
NEW MEXICO
1,500
NORTH DAKOTA
1,000
SOUTH DAKOTA
1,100
NEBRASKA
1,500
KANSAS
4,600
OKLAHOMA
3,500
TEXAS
34,900
MINNESOTA
17,000
IOWA
4,900
MISSOURI
7,300
ARKANSAS
1,200
LOUISIANA
4,900
WISCONSIN
8,500
ILLINOIS
26,000
MICHIGAN
10,800
INDIANA
2,000
OHIO
8,900
KENTUCKY
2,400
TENNESSEE
5,300
MISSISSIPPI
800
ALABAMA
1,700
GEORGIA
9,600
FLORIDA
22,300
SOUTH CAROLINA
700
NORTH CAROLINA
5,100
VIRGINIA
12,700
WEST VIRGINIA
200
PENNSYLVANIA
18,800
NEW YORK
75,600
VERMONT
900
NEW HAMPSHIRE
1,300
MAINE
2,100
MASSACHUSETTS
23,300
RHODE ISLAND
3,800
CONNECTICUT
NEW JERSEY 7600
11,200
DELAWARE
200
MARYLAND
10,600
DISTRICT OF COLUMBIA
3,700
ALASKA
300
HAWAII
2,300
GUAM
Fewer than 100
OTHER TERRITORIES
Fewer than 100

* Estimates include all major refugee populations. Adjustments for secondary migration through FY 1989. All totals rounded to the nearest hundred.

Source: Office of Refugee Resettlement / U.S. Department of Health and Human Services

REFUGEE ADMISSIONS TO THE UNITED STATES, FY 75-91

	FY 75 - FY 79	FY 80	FY 81	FY 82	FY 83a/	FY 84b/	FY 85b/	FY 86	FY 87b/	FY 88b/	FY 89b/	FY 90b/	FY 91	TOTAL
AFRICA (ACTUAL ADMISSIONS)		955	2,119	3,326	2,648	2,747	1,953	1,315	1,994	1,588	1,922	3,493		24,060
(CEILINGS)		1,500	3,000	3,500	3,000	2,750	3,000	3,500	2,000	3,000	2,000	3,500	4,900	
ASIA c/	254,095	163,799	131,139	73,522	39,408	51,960	49,970	45,454	40,112	35,015	45,684	51,611		981,769
		169,200	168,000	96,000	64,000	52,000	50,000	45,500	40,500	38,000	50,000	51,800	52,000	
EASTERN EUROPE	11,096	5,025	6,704	10,780	12,083	10,285	9,350	8,713	8,606	7,818	8,948	6,196		105,604
		5,000	4,500	11,000									5,[illegible]	
SOVIET UNION	56,989	28,444	13,444	2,756	1,409	715	640	787	3,694	20,421	39,553	50,716		219,568
		33,000	33,000	20,000	15,000	11,000	10,000	9,500	12,300	30,000	50,000	58,300	50,000	
LATIN AMERICA	19,000	6,662	2,017	602	668	160	138	173	315	2,497	2,605	2,309		37,146
		20,500	4,000	3,000	2,000	1,000	3,000	3,000	1,000	3,500	3,500	2,400	3,100	
NEAR EAST AND SOUTH ASIA		2,231	3,829	6,369	5,465	5,246	5,994	5,998	10,107	8,415	6,980	4,991		65,625
		2,500	4,500	6,500	6,000	5,250	6,000	6,000	10,200	9,000	7,000	5,000	6,000	
UNALLOCATED RESERVE									0	733	1,538	3,009		5,280
									4,000	4,000	4,000	4,000	10,000	
TOTAL	341,180	207,116	159,252	97,355	61,681	71,113	68,045	62,440	64,828	76,487	107,230	122,325		1,439,052
		231,700	217,000	140,000	90,000	72,000	70,000	67,000	70,000	87,500	116,500	125,000	131,000	

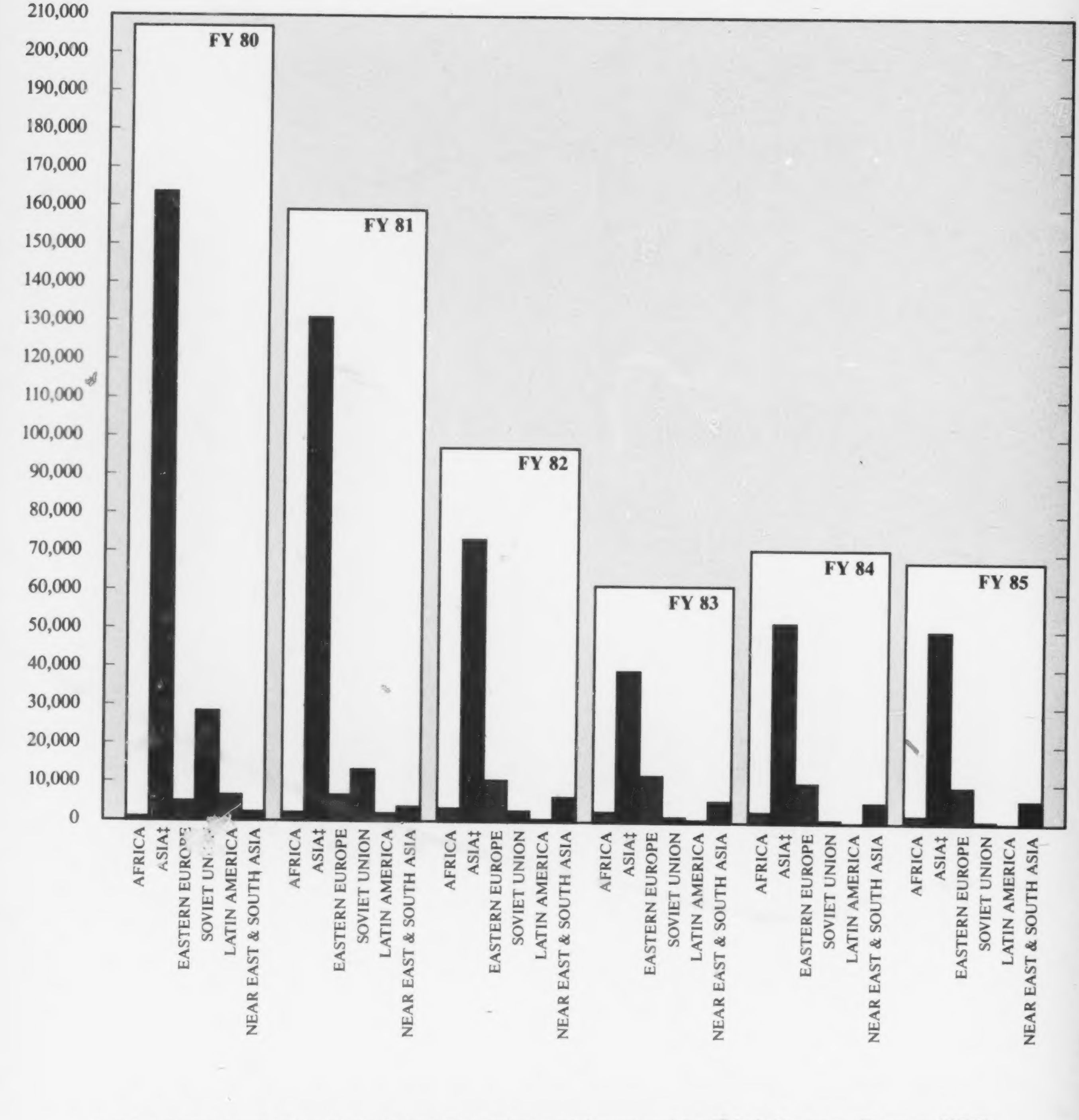
a/ From FY 83 to FY 90, the Eastern Europe ceiling was combined with the ceiling for the Soviet Union.

b/ This chart shows the adjusted regional ceilings that were established at mid-year consultations in FY 84, FY 85, FY 87, FY 88, FY 89, and FY 90. The overall annual ceilings did not change, except in FY 88 and FY 89.

c/ Ceilings and actual admissions figures for Asia include both first asylum resettlement and the Orderly Departure Program (ODP) from Vietnam. ODP numbers include Amerasian immigrants.

Source: U.S. Department of State/Bureau for Refugee Programs.

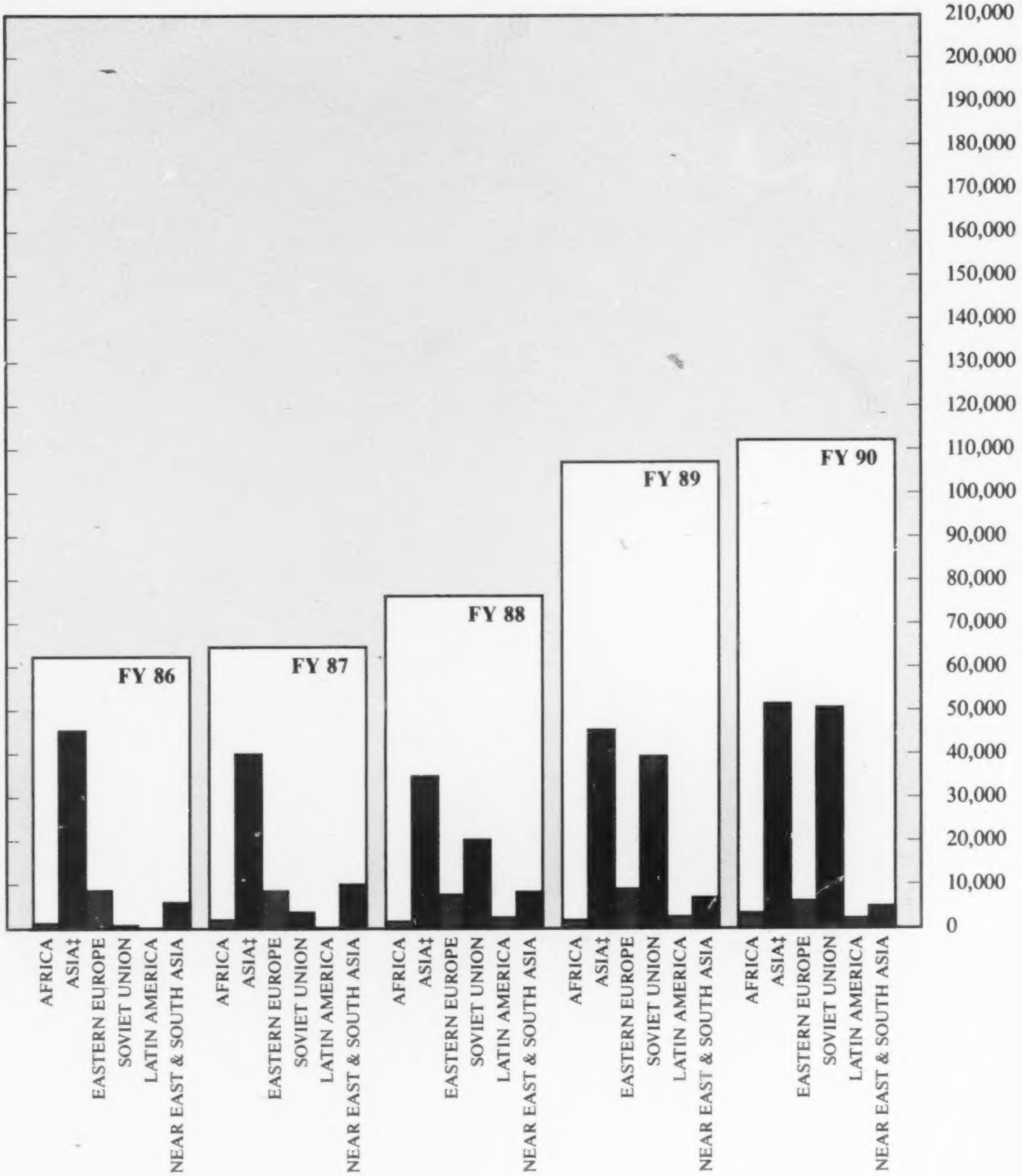
REGIONAL REFUGEE ADMISSIONS



‡ Admissions figures for Asia include both first asylum resettlement and the Orderly Departure Program (ODP) from Vietnam. ODP numbers include Amerasian immigrants.

Source: Bureau for Refugee Programs/U.S. Department of State.

TO THE UNITED STATES, FY 80–90



ASYLUM CASES FILED WITH INS DISTRICT DIRECTORS APPROVED AND DENIED, BY SELECTED NATIONALITIES

	June 1983 - September 1990 Cumulative			FY 90 Only			
Country	Approval Rate for Cases Decided	Cases Granted	Cases Denied	Approval Rate for Cases Decided	Cases Granted	Cases Denied	Cases Currently Pending
TOTAL *	23.4%	39,531	129,456	14.7%	4,173	24,156	97,288
USSR	76.7%	545	166	82.4%	239	51	868
Romania	68.2%	1,650	767	54.9%	180	148	1,555
China	64.9%	770	417	91.1%	505	49	763
Iran	61.0%	13,279	8,465	42.7%	218	292	1,831
Somalia	45.9%	461	543	86.5%	199	31	370
Ethiopia	45.6%	2,145	2,565	59.2%	349	240	1,563
Syria	44.4%	259	324	68.4%	52	24	132
Czechoslovakia	42.7%	187	251	21.3%	17	63	132
South Africa	38.0%	65	106	27.6%	8	21	370
Afghanistan	36.7%	440	759	38.8%	19	30	247
Vietnam	33.9%	84	164	45.0%	9	11	29
Poland	33.6%	3,010	5,938	4.2%	39	885	2,409
Hungary	26.7%	217	596	9.0%	11	111	301
Uganda	25.7%	100	289	13.3%	2	13	56
Nicaragua	25.2%	12,316	36,614	16.2%	1,444	7,460	25,082
Cuba	17.3%	555	2,653	29.0%	158	387	13,045
Pakistan	16.0%	85	447	36.3%	8	14	146
Philippines	15.4%	90	494	4.8%	3	59	390
Lebanon	11.9%	238	1,762	32.5%	67	139	743
Yugoslavia	11.3%	66	520	8.3%	9	99	482
Sri Lanka	5.3%	9	160	24.0%	6	19	109
El Salvador	2.6%	1,230	46,314	2.5%	226	8,648	29,786
Honduras	2.0%	37	1,851	1.1%	5	444	799
Haiti	1.9%	41	2,163	0.5%	2	368	457
Guatemala	1.8%	170	9,410	1.4%	58	3,999	10,990

* The total includes all nationalities, not just those listed here. A total of 73,637 asylum applications were filed in FY 90, of which 73 percent were filed by nationals of Nicaragua, El Salvador, Guatemala, and Honduras.

Note: Prior to June 1983, INS asylum figures were for actual number of individuals, not for cases, which can represent more than one individual. To avoid inconsistency, this chart begins with June 1983.

This chart is based on data for asylum cases filed with INS district directors only. Many applications for asylum are filed with immigration judges, particularly in the context of deportation proceedings.

Last year's chart had an error on the approval rating for the USSR in FY 89. It should have been 90.8%.

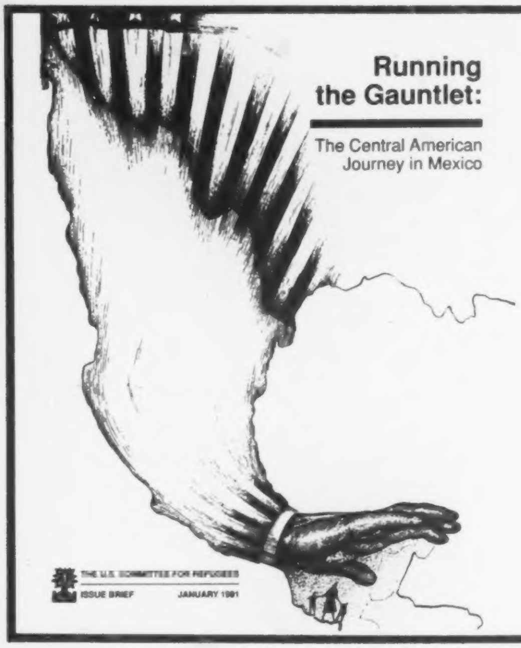
Source: Immigration and Naturalization Service (INS)/U.S. Department of Justice.

REFUGEE APPROVAL RATE BY REGION AND SELECTED NATIONALITY, FY 90

	APPROVAL RATE FOR CASES DECIDED	CASES APPROVED	CASES DENIED	PENDING
TOTAL	77%	99,693	29,805	20,368
REGION				
Asia	90%	30,613	3,469	194
USSR	75%	52,866	17,645	238
Latin America	71%	1,863	759	1,441
Africa	70%	3,318	1,420	3,940
Near East/S. Asia	69%	4,952	2,222	3,684
Eastern Europe	59%	6,081	4,290	10,871
COUNTRY				
Zaire	97%	70	2	23
Albania	97%	98	3	567
Laos	92%	9,060	745	11
Hong Kong	92%	208	17	18
Vietnam	89%	21,078	2,627	161
Iran	80%	3,312	827	1,424
Cambodia	77%	260	76	4
Cuba	75%	1,318	440	1,296
USSR	75%	52,886	17,645	238
Romania	73%	3,561	1,320	6,200
Ethiopia	70%	3,061	1,293	3,429
South Africa	68%	34	16	17
Nicaragua	67%	527	262	145
Angola	65%	60	33	13
Hungary	63%	274	159	67
Afghanistan	58%	1,593	1,134	1,546
Somalia	56%	33	26	127
Poland	54%	1,483	1,273	1,667
Uganda	50%	27	27	206
Bulgaria	48%	322	355	1,459
Sudan	41%	7	10	61
El Salvador	23%	15	49	0
Czechoslovakia	22%	337	1,180	911
Iraq	15%	47	260	712

Source: Immigration and Naturalization Service (INS)/U.S. Department of Justice.

Note: The total includes all nationalities. Nationalities for whom fewer than ten cases were approved or denied are not included in the country-by-country tally.



Running the Gauntlet:

The Central American Journey in Mexico

THE U.S. COMMITTEE FOR REFUGEES

ISSUE BRIEF JANUARY 1991

RUNNING THE GAUNTLET:
The Central American Journey in Mexico

Refugee Reports subscribers will soon be receiving a free copy of Running the Gauntlet: The Central American Journey in Mexico, a U.S. Committee for Refugees Issue Brief. Through the voices of individual Central Americans, Running the Gauntlet tells how thousands have had their rights abused in the journey north. Additional copies are available for $4.00 each, or for $1.50 each for bulk orders of 10 or more. Checks should be made payable to the U.S. Committee for Refugees, 1025 Vermont Ave., NW, Washington, DC 20005. (202) 347-3507.

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NEW LEASE ON LIFE FOR SALVADORANS AND GUATEMALANS IN THE UNITED STATES

After a decade of battles waged in Congress and the courts, several important victories for Salvadoran and Guatemalan asylum seekers were won in late 1990; the early weeks of 1991 have been devoted to implementing new procedures on their behalf.

The tide began to turn in July, when the Immigration and Naturalization Service (INS) came forward with final asylum regulations that created a corps of specialized asylum adjudicators assigned exclusively to determine asylum claims (see Refugee Reports, Vol. XI, Nos. 3 and 7). The new asylum system, which began in October and will be fully in place by April, promises better trained asylum adjudicators who, answerable to the INS central office rather than the local district director, should demonstrate more nationwide consistency in approach.

The next step took place on November 29, when President Bush signed the Immigration Act of 1990 into law (see Refugee Reports, Vol. XI, Nos. 10 and 11). That reform of legal immigration included a provision for "temporary protected status" (TPS), filling a gap in the Refugee Act of 1980, which had recognized refugees fleeing persecution, but failed to provide a mechanism for protecting persons displaced by war and generalized civil strife. The Immigration Act also specifically mandated that TPS be invoked on behalf of Salvadorans for an 18-month period, starting at the beginning of 1990.

Following on the heels of this legislative victory, the INS agreed to settle a class-action suit challenging bias against Salvadorans and Guatemalans in the asylum process. The suit, American Baptist Churches v. Thornburgh (ABC), filed in May 1985, challenged some 150,000 asylum denials for Salvadorans and Guatemalans since 1980 (see Refugee Reports, Vol. X, No.10).

The settlement bars deportation for all Salvadorans present in the United States as of September 19, 1990 and all Guatemalans here as of October 1, 1990, until they have had a completely new (*de novo*) adjudication of their asylum claims. Persons convicted of aggravated felonies are ineligible.

IN THIS ISSUE:

Temporary safe haven has finally been achieved for Salvadorans with the promise that they, and Guatemalans as well, will have new asylum hearings before a new group of asylum adjudicators. Bill Frelick assesses the impact of these changes....................1

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Any one of these steps taken alone would have been unlikely to assuage fears within the Salvadoran and Guatemalan communities that it would be safe to come forward to apply to the INS for benefits. But taken together, these policy changes have led the local projects who work with Central Americans to make an all-out effort to encourage them to apply.

Guillermo Rodezno, the executive director of El Rescate in Los Angeles, said, "When TPS came out, we thought we would only register our clients who had already applied for political asylum. We were not going to encourage those who were not already known to the government to apply." Rodezno said that the risks were too great under TPS alone, since by registering for temporary protection, Salvadorans would have put themselves in a position to be placed in deporta-

ORANTES-HERNANDEZ UPHELD

The Orantes-Hernandes v. Thornburgh suit, which alleged that Immigration and Naturalization Service (INS) officials prevented Salvadorans from exercising their right to apply for asylum and interfered with their ability to obtain legal counsel, was upheld by a panel of the U.S. Court of Appeals for the Ninth Circuit in a November 21 decision. The decision upholds the injunction requiring the INS to notify Salvadoran detainees of their right to apply for asylum and to be represented by counsel (see Refugee Reports, Vol. IX, No. 5). Refugee Reports has learned that the government is neither petitioning for a rehearing nor for review before the Supreme Court. Below are excerpts from the unanimous Ninth Circuit panel decision, written by Judge Mary M. Schroeder:

The district court found that prior to the issuance of the preliminary injunction, INS agents coerced Salvadorans who had not expressed a desire to return to El Salvador to sign Form I-274A for voluntary departure. The evidence supporting this finding is overwhelming.... Numerous class members testified of being forced or tricked into signing for voluntary departure.... Other class members testified about being told that they must apply for voluntary departure even though they expressed fears about returning to El Salvador.... It is significant that the government offered no contradictory evidence to suggest that these events did not occur.... Border Patrol Agent Michael Singh....would fill out an asylum application only if the alien used the words, "I want political asylum." If they did not use these words, the general policy was to continue processing for deportation. Even if the alien said that he feared persecution on return to his country, processing continued, and no asylum form would be proferred.... Form I-274....does not say anything about the right to apply for asylum. The words "asylum" or "refugee" do not appear on it. Aliens receiving that form would reasonably perceive their options to be limited to either voluntary departure or deportation.... Maria Santos Madril, who did not know how to read or write, was given Form I-274 after being detained for several days. The agent took her hand and said, "Sign here." When Madril responded that she could not sign for her deportation, the INS agent grabbed her hand and physically forced her to make an X as her signature on Form I-274.... Charles Warden, a Border Patrol Agent for more than 17 years, testified that he had never seen an asylum application. Warden did not recall getting instructions regarding providing aliens with asylum applications and received instructions regarding advising aliens of asylum only due to the Orantes injunction.... [T]he record consisting of evidence from both members of the plaintiff class and INS agents during the post-injunction period fully supports the district court's findings that there was continued INS interference with plaintiff members' exercise of their right to apply for political asylum....

Some of the district court's most detailed findings faulted the government for the nature of the legal services lists provided to Salvadorans, pointing out that many did not contain accurate telephone numbers, and that many of the offices were not located in the vicinity where the alien was being detained.... These findings show that the faulty lists were but the first of numerous obstacles, the cumulative effect of which was to prevent aliens from contacting counsel and receiving any legal advice. Most of the findings are undisputed.

tion proceedings as soon as the 18-month protected status period expired.

"ABC has changed the whole prospect of what will happen at the end of the 18-month period," said Rodezno. "That made a big difference to us." Rodezno said that many of El Rescate's clients have good asylum claims, and others may now be able to find other legal avenues of immigration relief. "We feel more comfortable now in encouraging people to apply."

Those efforts include creating public service announcements, fliers, and posters, as well as holding public informational briefings--*charlas*--at the close of religious services and other community gatherings.

Although "Orders to Show Cause" (OSCs)--which normally initiate the deportation process--will be issued at the close of TPS, under the terms of the ABC settlement, those proceedings will be administratively closed pending the adjudication of the asylum claim before the new corps of asylum officers.

Building Trust Part of the new sense of confidence among Central Americans and service providers stems from the hope that the INS has grown weary of a decade of criticism for biased adjudication and is now ready for a less adversarial relationship.

Addressing a gathering at the Carnegie Endowment for International Peace on January 25, Paul Virtue, Acting General Counsel of the INS, said that after the President signed the Immigration Act and it became clear that Salvadorans were not going to be deported, "there was little will to do battle."

But the groundwork for a more cordial atmosphere was laid even earlier with the final asylum regulations. Coming about as they did, following wide protests about earlier proposed regulations (see Refugee Reports, Vol. VIII, No. 9 and Vol. XI, No. 3), the final regulations were greeted with a collective sigh of relief from refugee advocacy groups (see Refugee Reports, Vol. XI, No. 7). The hiring of new asylum officers, a comprehensive training program for them, and the establishment of a documentation center open to information on country conditions from nongovernmental sources were all important confidence-building measures.

The regulatory battle had not been one over abstract principles. Charges of bias and coercion were deeply felt and well documented (see box on the Orantes suit). Since 1983, asylum approval rates for Salvadorans and Guatemalans filing with INS district directors have stood at 2.6 and 1.8 percent respectively (see Refugee Reports, Vol. XI, No. 12).

The ABC settlement specifically referenced the new law, as well as the new asylum regulations. It also directly addressed the charges of INS bias by requiring the Service to agree to affirm that "foreign policy and border enforcement considerations...the fact that an individual is from a country whose government the United States supports...[and] whether or not the United States Government agrees with the political or ideological beliefs of the individual...[are] not relevant to the determination of whether an applicant has a well-founded fear of persecution."

Fears Remain Nevertheless, trust has not been immediate or automatic. Salvadorans have a great fear of applying for political asylum, said Kenneth Lederer, executive director of the Central American Refugee Center (CARECEN) in Hempstead, New York, because they think that by doing so, they will put their lives in danger back home. "They are afraid that the U.S. government will give the information on their asylum applications to the Salvadoran government." For this reason, said Lederer, many are refusing to register for TPS because they fear the consequences of eventually having to apply for asylum.

Lederer said that as far as he is concerned, the relationship with the INS is "still adversarial all the way." He said, "We still have to fight every step of the way for fair adjudication and reasonable fees." He particularly faulted the INS for placing the burden of outreach on the voluntary agencies. "There has to be positive outreach to the community directly from the INS" if the TPS program is to succeed, he said.

Edwin Rodriguez, the executive director of the CARECEN office in San Francisco and himself a Salvadoran, takes a more positive view. "So far in the first weeks of the program, the collaboration with the INS has been very good," he said. "We discussed the types of documents they were requiring [to establish eligibility for TPS], and they said they had made a mistake and would make it easier."

Deborah Anker, a lecturer at Harvard Law School and chair of the American Immigration Lawyers Association's Refugee and Asylum Committee, notes an improved level of cooperation on asylum issues generally. "From what I've seen, the INS has acted openly and in good faith." She said that the INS has worked very cooperatively with nongovernmental organizations, and that, in turn, "voluntary agencies and human rights groups have spent hundreds of hours reviewing training materials and have shown a willingness to work extensively with the government for this program to be as good as it can be."

Nevertheless, Anker said that her group would keep a close eye on hiring decisions for the new asylum officers, on their training, and on the documentation center.

Fees: The Most Contentious Stumbling Block to TPS The issue most likely to dash the good will engendered by recent changes is the registration fees for the TPS program. Each individual Salvadoran who applies for the program will be required to pay $110 for every six months of protected status (a $75 TPS application fee and $35 for the employment document). Assuming the 18-month period is not extended--which remains within the discretion of the Attorney General--this means that a family of five would pay $1,650.00 to benefit from the program. Very few in the Salvadoran community have that kind of money. The fees could become even higher, as sources have indicated that the INS has recommended a $25 fee hike for work authorization.

Rodezno said that about 100 to 200 Salvadorans come to the El Rescate offices every day for information about TPS. Of that, he said that about 70 to 75 express a willingness to register. But when they learn of the registration fees, only 15 people, on average, are willing to register.

The relative few who do apply, say Rodezno and other service providers throughout the country, are working-age single men or one breadwinner for an entire family, leaving dependents unprotected.

As of January 25, 4,000 TPS applications had been received by the INS. But service providers have already seen a falling off in the past week in the number of Salvadorans coming forward as news has spread through the Salvadoran community about the fee requirements. And the fee issue is starting to sour the relationship between the INS and voluntary agencies.

"The good intentions of this legislation are being undermined by the INS," said Rodezno. "A lot of people who would benefit won't register because of cumbersome bureaucracy that requires re-registration every six months and creates high costs."

Virtue said that many of the costs--such as FBI fingerprinting--are fixed and beyond the ability of the INS to control. He accounts for the registration payments by saying that the actual cost of initial registration is more than $75, so is therefore pro-rated over the 18-month period.

Calling the fees "heartbreaking," Frank Sharry, executive director of the National Immigration, Refugee, and Citizenship Forum, which has been coordinating TPS implementation among service agencies, suggested that a reduction in the first-round fee would serve to bring applicants forward initially so they could get work authorization and be better able to pay the re-registration fees. He also suggested a waiver for indigent applicants, a cap for families, and more efficient implementation to lower the cost of the program.

Virtue said that INS has a general waiver provision, which would apply for this program. But Sharry said that there are significant discrepancies among the districts in their willingness to waive fees. In Los Angeles, the INS office has categorically rejected waiving the fees, whereas in Baltimore, waivers have already been accepted.

Lucas Guttentag, director of the ACLU's National Immigrants' Rights Project, pointed out that Salvadorans who cannot afford to register for TPS would still be eligible to register for ABC, which is free of charge. Although a Salvadoran in this situation would lose the 18-months of protected status, he or she could not be deported and would be authorized to work until the completion of a *de novo* asylum adjudication.

Reaction to TPS Interim Regulations Focuses on Fees Virtue said that INS has already received comments on the fees in response to the publication of interim regulations on TPS in the

DEADLINES UNDER ABC SETTLEMENT

SALVADORANS-Must have been in United States as of September 19, 1990, and not be aggravated felons. Class members in detention are subject to much more rapid time limits.

CATEGORY	FIRST STEP	SECOND STEP
Salvadorans who apply for TPS between 1/1/91 and 6/30/91.	If found eligible for TPS and re-register, they will have TPS status through 6/30/92.	After 5/31/92 they will be sent a notice giving them 90 days to submit a new asylum application (they may proceed based on old one or can supplement up to time of interview).
	If given TPS but fail to re-register, they will be sent ABC form sometime after 1/1/92. Must return form within 90 days.	They will be sent a notice giving them 90 days within which to submit a new asylum application.
	If found ineligible for TPS, will be sent ABC form with the denial notice, giving 90 days to submit new asylum application.	
Salvadorans who do not apply for TPS but who are in pending deportation proceedings (immigration court, BIA, or federal court).	ABC notice will be mailed first class prior to 3/31/91. Form must be returned by 6/30/91.	Will subsequently be sent a notice to submit a new I-589 within 90 days (or can proceed on old application and supplement it).
Salvadorans who do not apply for TPS and who are not in pending deportation proceedings (never been in proceedings or under final deportation order).	Must submit between 1/1/91 and 6/30/91 an ABC form requesting an affirmative asylum adjudication.	Will subsequently be sent a notice to submit a new I-589 within 90 days (or can proceed on old application and supplement it).

GUATEMALANS-Must have been in United States as of October 1, 1990, and not be aggravated felons. Detained class members have more rapid time limits, but if they sign up for the settlement and are not charged with criminal conduct, they will be released.

Guatemalans in pending deportation proceedings (immigration court, BIA, or federal court).	ABC notice will be mailed first class between 7/1/91 and 9/30/91. Must return ABC form within 90 days.	Must submit a new asylum application within 180 days of the notice (or proceed on old application and supplement it).
Guatemalans not in pending deportation proceedings.	Must submit between 7/1/91 and 12/31/91 an ABC form requesting an affirmative asylum adjudication.	After submitting ABC form, must submit a new asylum application by 3/1/92 (or proceed on old application and supplement it).

Source: The National Immigration Law Center

January 7 Federal Register. "There has been a lot of interest in the fees," he said.

Sen. Dennis DeConcini (D-Ariz.), the Senate's leading proponent for Salvadoran safe haven, sent a letter to INS Commissioner Gene McNary, saying, "Registration for TPS was intended to be a simple, efficient, one-step process in which the registrants receive work authorization at the time of registration. In addition, the cost of registration and obtaining work permission was intended to be reasonable. The term 'reasonable fee' for Salvadorans was intended to be in line with Section 244A of the Immigration and Nationality Act which 'shall not exceed $50.' I would like to stress that it is my hope that the fee will be less than $50 and that a family cap is implemented."

DeConcini stressed that Congress intended the fee to be "as low as possible so that all TPS registrants who are eligible and wish to apply are able to do so."

In its comments on the regulations, the National Forum suggested that costs could be lowered if the INS would adopt a simpler process, namely, one-stop registration with a simplified renewal procedure.

No Magnet Effect; New Arrivals Again Being Detained and Deported TPS and ABC have clear cut-off dates, and those who arrive after that time are not eligible for protection from detention and deportation.

Although the fundamental reason for TPS and ABC relates to dangerous conditions in both countries, cut-off dates were established to prevent what is commonly referred to as "the magnet effect"--the notion that word will spread back to the homeland of an "amnesty", which will touch off a fresh influx of new arrivals. But, as yet, this does not appear to have happened.

"There has been no surge due to TPS/ABC," Jonathan Jones of Proyecto Libertad in Harlingen, Texas, on the Mexican border, told Refugee Reports. "The situation is the same, nothing remarkable."

In fact, the folks at Proyecto seem largely untouched by the changes that are riveting the attention of Central American assistance agencies in the rest of the country. For them, it's "business as usual."

"Nothing has changed," said Proyecto's director, Rogelio Nuñez. "On January 16, we had a population of 455 [at Port Isabel Service Processing Center--known as *"Corralon"*] which is about the normal number over the past ten years." Of that total, 232 were Salvadorans, 115 Honduran, 70 Guatemalan, and 38 Nicaraguan. Nuñez said there were also about 40 at the two facilities for unaccompanied minors and 80 to 90 at the San Benito family facility, in addition to about 100 undocumented Central Americans at Casa Romero.

The Proyecto staff still gives "Orantes presentations" [see box] every Tuesday and Friday. "Detention is still the main issue here," said Nuñez.

Virtue told Refugee Reports that Salvadorans who arrived after September 19 are not only being detained, but are being deported as well.

Travel for Affirmative Asylum Hearings--An Added Burden Although Proyecto Libertad has had minimal involvement with TPS, since most of their clients are new arrivals in deportation proceedings, other Texas-Mexico border projects are concerned about problems for affirmative asylum applicants.

Amy Coughenor, director of the Refugee Assistance Council in Laredo, Texas, said, "It is pretty ridiculous to have an asylum officer in Houston when people are coming across the border." She said that people wanting to apply for asylum affirmatively "will get stopped at checkpoints between here and Houston."

Coughenor is referring to the new asylum procedure, under which the new corps of asylum officers will be located only in Newark, N.J., Arlington, Va., Miami, Chicago, Houston, San Francisco, Los Angeles, and a sub-office in San Diego.

Initial word from the INS was that asylum officers would "circuit ride" to locations outside a 300-mile radius of these cities, but that applicants within 300 miles would be expected to travel to the Asylum Office. Asylum applicants are also expected to provide their own translators and their right to counsel is at their own expense.

Lawyers and voluntary agencies have been pointing out to the INS the hardship the traveling requirement will be, and there appears to be some flexibility on the issue. However, INS also is intent on keeping its costs down, which could place a greater burden on the shoulders of indigent applicants and resource-starved voluntary agencies.

Angie O'Gorman of the International Institute of St. Louis told Refugee Reports that one of her clients had to go for his interview by himself "because we couldn't afford to accompany him" and that 5 or 6 more clients with interviews pending are similarly vulnerable.

"We can't afford to pay for our clients' travel and a representative, let alone an interpreter," she said. This concern was echoed in conversations with service providers in many locations.

During the transition period from October to April, asylum adjudications that used to take place in St. Louis have been switched to Kansas City. In April, they will take place in Chicago.

For all this, O'Gorman is pessimistic that the asylum interviews will be any better than before. "The examiner had undergone the training for new asylum officers, but as far as I could see, the interview was no different from anything I had seen in St. Louis, the same preoccupation with dates, very formal and curt, an atmosphere tinged with intimidation."

O'Gorman said, "I had expected a warmer, more inviting atmosphere," since the new asylum regulations stress that the interviews will be nonadversarial. "Although the asylum officer is polite and professional, there is nothing that would make the applicant relax."

Niels Frenzen, an attorney with Public Counsel in Los Angeles County, made a study of the INS circuit riding approach for the American Immigration Lawyers Association. His study noted that Boston, Phoenix, New Orleans, Detroit, Cleveland, Dallas, Buffalo, and Harlingen were all within 300 miles of an asylum office, but that because of the high volume of applicants and considerable distances to travel, these cities would be greatly inconvenienced by the new procedures with the effect that residents of these cities would be discouraged from applying or applying with representation.

"I think they should have someone here [in Boston] permanently," said Nancy Kelly, acting directing attorney of the Harvard Law Clinic. "There's enough asylum work here to keep an asylum officer busy full time." She said that the largest number of affirmative applicants in Boston have not even been Salvadorans, who will not begin to have their cases adjudicated until after TPS expires. She said that her clients include Somalis, Ethiopians, Liberians, Iranians, and Afghans.

John Willshire Carrera, staff attorney of Cambridge and Somerville Legal Services, added that distance will hurt the rapport that has built up between attorneys and asylum adjudicators. "You need someone to talk to on documentation, work authorization, extensions. The system only works for us informally; if we have to go through regular procedures, things will get very screwed up, and we'll have a lot of problems."

Work Authorization Shannon Salinas, of the Tucson Ecumenical Council for Legal Assistance (TECLA) has already encountered problems now that asylum work is no longer conducted with the local INS office. Her caseload has been switched to Phoenix during the interim.

"Work permits have taken up to 94 days in some cases [the regulation says they must be provided within 60 days of filing the application], and the distance for interviews is two hours each way," said Salinas.

She said that the asylum officer in Phoenix has been unwilling to schedule interviews in blocks, which would enable her agency to consolidate clients to make travel and representation less expensive.

An INS source said that under the new system it is likely that asylum applications and work authorization will be mailed in. If an asylum interview can take place within 60 days, the work authorization question will be settled at the same time. For interviews that cannot be scheduled within 60 days, a determination whether the case is "manifestly unfounded" will be made on the basis of the paper record, and work authorization will be granted or denied on that basis.

The INS source said that the system will work more effectively and expeditiously if agencies do a better job in helping their clients fill out the I-589 asylum application forms. "We can work on the real facts and take up less valuable interview time on gathering basic biographical data" if the agencies do a complete job on the forms.

What Will They Do Next? Complaints are also emanating from some of the designated cities themselves. Service providers in New York speak of the inconvenience of traveling to Newark, New Jersey, and Los Angeles agencies are protesting the selection of an INS office on the outskirts of town that is a three-hour round trip by car from the area of Los Angeles where most Central Americans are concentrated.

"What are they going to do next to make our work more difficult?" asked Rodezno. "We raised it with the INS district director, but he was inflexible, he said the decision was made, and he didn't want to talk about it any more."

Progress indeed has been made; unprecedented and constructive interaction has taken place between the INS and Central American service providers. But a decade of tension and distrust is not likely to dissipate overnight. There is general agreement from people within the INS as well as the voluntary agencies that it will take a year or more to assess the success of the new relationship.

Recent Developments

PROCESSING OUT OF SUDAN CUT OFF; REFUGEES AND SUDANESE FACING SEVERE FOOD SHORTAGES

The Gulf war has taken its toll on refugees in Sudan. Due to security concerns arising from the government of Sudan's sympathy for Iraq and growing anti-American sentiment in Sudan, the U.S. Embassy withdrew all personnel (including staff connected with refugee processing) from Khartoum in January. Staff of the International Rescue Committee (IRC), the operating agency for the U.S. Refugee Resettlement Office (USRRO), the office that carries out Joint Voluntary Agency (JVA) functions in Sudan, also pulled out on January 17. Most UNHCR staff were also evacuated.

Khartoum processes the largest number of refugees resettled to the United States from Africa. In FY 90, of 3,493 refugees admitted from the Africa region, 1,915 were out of Sudan. At the time that processing activities were suspended in January, an estimated 800 refugees in Sudan had been approved by the Immigration and Naturalization Service (INS) and were in the final stage of preparing for departure to the United States, and more than 5,900 cases--in both cases almost all Ethiopians--were being processed for interviews by the INS. According to IRC Overseas Program Coordinator Faye Richardson, some 600 of those already approved by the INS were expected to depart during the second quarter. The first 100 were scheduled to fly out of Khartoum on January 22, 1991, but their flight was cancelled. A spokesperson at the State Department's Bureau for Refugee Programs told Refugee Reports that it was too soon to know how the suspension would affect the annual program. "That will depend on when we can return staff to that location [Khartoum] and establish operations again," she said.

The USRRO representative evacuated from Khartoum, Pam Elizabeth, said, "We want to strongly emphasize that we are committed to resuming normal departures as soon as possible."

Concern Voiced That Africa Numbers May Be Reallocated The proposed ceiling for FY 91, 4,900, is the highest ceiling ever for the Africa region. Some of those who advocated for the increased ceiling for Africans are worried that if processing from Khartoum is shut down for too long--a likely scenario given that President Bush has said that the Gulf war may go on for months --Africa numbers will be transferred to other regions. U.S. Committee for Refugees (USCR) director Roger P. Winter, noting that there is great demand for additional numbers for other regions, urged the State Department to make every effort to use the allocated Africa numbers for Africans. In a letter to Ambassador Princeton Lyman, director of the Bureau for Refugee Programs(BRP), Winter said, "Reallocating numbers to other regions without first making a rigorous attempt to identify Africans in need of resettlement would be irresponsible and an abdication of the commitment made to offer a fairer level of resettlement opportunities to African refugees."

According to the UN High Commissioner

for Refugees (UNHCR) Washington representative, John McCallin, although Sudan hosts a significant number of African refugees needing resettlement, there are also many living in other countries. As of August 1990, McCallin said, UNHCR had identified more than 4,140 African refugees--apart from those living in Sudan--in need of third-country resettlement. The pool of eligible refugees should also increase, as BRP has added Liberians to the list of designated nationalities of special humanitarian concern for FY 91 (see Update).

Facing Famine In September 1990, a U.S. State Department famine early warning report said that Sudan was facing "a major, nationwide food shortage of 1984 proportions." As a result of severe drought in 1990 that affected every region of the country, 4.5 million people in Sudan will need food aid. Another 4.5 million southern Sudanese displaced by the civil war in Sudan are already mostly dependent on food aid, bringing the total in need of food aid to more than 9 million. Many of the self-settled Ethiopian refugees in Sudan, as well as those living in UNHCR-assisted agricultural settlements, are among those affected by the drought. UNHCR has expressed concern that many of them may seek to move into UNHCR's existing reception centers, where enough food is available for current populations, but may not be for large additional numbers.

The UN's World Food Program (WFP) estimates that Sudan will require 1.2 metric tons of food aid in 1991 to respond adequately to the need. However, it appears very unlikely that goal will be met because of the Sudanese government's repeated denials of the potential for widespread famine.

Last October, the leader of Sudan's ruling military junta, Lt. General Omar al-Bashir, said that Sudan was not suffering from famine and that foreign news media reports about a famine were aimed at distorting Sudan's image. Although the government has since acknowledged food shortages (albeit well below those identified by WFP), the UN-led famine relief effort, Operation Lifeline Sudan II (successor to 1989's OLS I, which helped save many lives) is essentially moribund, and the government continues to block other efforts aimed at assisting those in need (see Refugee Reports, Vol. XI, No. 7).

In October, the State Department reported that U.S. and other NGOs attempting to carry out relief work in Sudan face increased administrative difficulties and that the operations of the International Committee of the Red Cross "were virtually at a standstill." In December, 19,000 metric tons of food delivered to Sudan by WFP reportedly disappeared, although some--but not much--was said to have gone to civilians. As the new year began, prospects for averting widespread famine appeared grim. On December 19, the New York Times reported that according to a senior U.S. official in Khartoum, "It is all but certain that hundreds of thousands of people in the Sudan are going to die of starvation in 1991."

UN PREPARES FOR NEW WAVE OF REFUGEES IN THE GULF

At press time, an estimated 8,000 war refugees had fled Iraq and Kuwait and crossed into Jordan since January 16. Up to 5,000 more could be stranded on the Iraqi-Jordanian border, waiting for the Iraqi government's permission to leave. Some international relief groups believe the number of displaced persons could soon number in the hundreds of thousands and perhaps millions. On January 11, the United Nations issued an appeal for $38 million in start-up funds to provide emergency relief aid and transport for 400,000 evacuees who may enter the frontline states of Jordan, Iran, Syria, and Turkey.

"Depending on the severity and duration of any possible conflict," the UN statement said, "we could soon be witnessing a dramatic exodus exceeding even that of August-September 1990, when over a million foreign nationals crossed into neighboring countries, mainly Jordan, the vast majority being rapidly repatriated to their countries of origin. On this occasion, more of the evacuees may go to Iran, Syria, and Turkey, as well as to Jordan. Many of them may remain for longer periods as refugees."

Most of the first wave of new arrivals into Jordan after the outbreak of hostilities were Egyptian. After closing the border temporarily to all evacuees, the Iraqis appeared to reopen it for most groups, but to continue to block the exit of Egyptians. Up to 1,000 of the new arrivals entered Iran and fewer than 100 entered Syria and Turkey. The governments of all four of the frontline nations have signalled their willingness to receive refugees from the war, although Jordan's commitment was equivocal.

Two days prior to the UN announcement of its January appeal and regional plan of action, a Jordanian refugee official told Reuters that the country's borders would be closed to all non-Jordanians "unless specific plans are worked out for their departure by their governments and international bodies." Jordan says it spent $55 million to feed and house more than 750,000 foreign workers who were displaced from Iraq and Kuwait last year, for which it has received only partial compensation from the international community.

International Donors Coming Forward On January 14, the government of Japan announced that it would cover the full amount of the initial $38 million UN appeal. Counting the Japanese contribution, worldwide donations totalled $61 million as of January 23, of which the United States has contributed $3 million.

The UN's regional humanitarian plan of action for the Gulf crisis estimates that the full cost of relief and repatriation assistance for 400,000 evacuees will come to $175 million. Of this total, about $90 million will be needed to provide 90 days of food, medicine, and shelter and $85 million will cover transportation and repatriation costs.

For planning purposes, the UN estimated that about 100,000 evacuees would be in each of the four frontline states at any given time, requiring the establishment of two border transit camps and four inland referral camps in each country. So far, about 10 camps have been built or are under construction in the region, six of which are in Jordan. The International Committee of the Red Cross (ICRC) is working in Syria to set up a border camp for 10,000 people and an inland camp to house 30,000 more. Turkey and Iran each have one camp for Gulf war evacuees.

The UN plan of action assumes that about 50 percent of the evacuees will require third-country repatriation assistance, which will be coordinated by the International Organization for Migration (IOM). Under the UN regional plan, the UN High Commissioner for Refugees (UNHCR) is responsible for camp management, the World Food Program (WFP) is responsible for food, and the World Health Organization (WHO) and UNICEF are responsible for health, water, nutrition, and sanitation in the camps. The UN Disaster Relief Organization (UNDRO) has been put in charge of overall coordination and chairs the UN Emergency Working Group on the Gulf crisis.

ICRC issued its own emergency appeal for $109 million on January 17 to establish or expand 10 emergency field hospitals with capacity totalling 1,000 beds; to provide "protection and tracing activities for possibly tens of thousands of prisoners of war and detainees and millions of displaced civilians;" and to establish camps for displaced persons within and outside areas of conflict.

Experts agree that it is impossible to make any accurate projections about the size or direction of potential new refugee flows, at least until a number of questions are answered. "First of all, how much damage has been done in Baghdad and other major population areas?" said Lionel Rosenblatt, president of Refugees International and a veteran of refugee crisis management as a State Department foreign service officer in Southeast Asia. "Second, how solid are the commitments of the receiving countries to let the refugees come in?"

"Lastly," Rosenblatt said, "What obstacles may be impeding the flow out?" He mentioned continued bombing, damaged roads, fuel shortages, border mines, and Iraqi restrictions on travel as possible barriers that would-be evacuees are facing.

Of all these obstacles, the last may prove to be the most formidable. On January 25, the New York Times reported that Iraq had closed its border with Jordan. Three days later, Iraq reopened its border, but ordered the thousands of refugees on the Jordanian-Iraqi border to return to Baghdad for exit visas. Given the deteriorating conditions in Baghdad, the new restrictions could lead to a "large-scale human tragedy if people do not get out," a diplomat told the Times.

Update

° Two groups of Hmong and other highland Lao asylum seekers in Thailand were removed from Chiang Kham camp and forced to return to

Laos in January, informed sources have told Refugee Reports. On January 18, a family of 13 screened-out Hmong was forced to get on a bus along with 91 voluntary repatriation cases returning to Laos. The group was tranferred to Chiang Khong by local Thai officials and then escorted across the Lao border to the town of Huai Say.

On January 21, 46 screened-out highlanders and 9 voluntary repatriation cases were moved from Chiang Kham to Nong Khai. The move "was not well accepted by the screened-out," the source said, "and there was some rough treatment, threatening with guns by Thai guards and people were literally pushed on the bus." The next day, the highland group was taken across the Mekong River, along with 48 lowland Lao who were voluntarily returning home.

"The problem is," the source said, "the Hmong had not been informed of their status (screened-out or in) and were given only a few hours notice regarding the movement to Laos, thereby causing much distress and even one who threatened to commit suicide at Chiang Kham."

Three officers with the UN High Commissioner for Refugees (UNHCR) accompanied the groups from Nong Khai and they were met on the Lao side by the UNHCR representative, Daniel Bellamy.

A Thai official reportedly has said that all of the 427 screened-out highlanders in Chiang Kham would be sent back to Laos by the end of February.

▫ With new arrivals entering at a rate of 500 per week, the population in the six border camps for Cambodian displaced persons in Thailand stood at 311,000 at the end of December, according to the Associated Press. More than 150,000 Cambodians were displaced from their homes by civil war, hunger, and disease in 1990, of whom about 30,000 fled west and entered border camps administered by the UN Border Relief Operation (UNBRO) but under the control of three resistance factions fighting to retake Cambodia.

Many of the refugees reaching Khmer Rouge-controlled camps "are just one step better than the people in concentration camps during World War II, and that's no exaggeration," an aid official told AP.

"They're coughing, they have open wounds. It seems like everything that could possibly go wrong with the human body has gone wrong," the official said.

Most of the new arrivals in Thailand have gone to Site 2, a sprawling camp of 180,000 people run by the noncommunist Khmer People's National Liberation Front (KPNLF). The KPNLF has been joined in a tripartite political and military alliance with the communist Khmer Rouge and noncommunist forces loyal to Prince Norodom Sihanouk in an effort to oust the Vietnamese-backed government from Phnom Penh.

Since Vietnam withdrew its last major contingent of troops from Cambodia in September 1989, the civil war has intensified. In an effort to secure newly "liberated" zones, the Khmer Rouge removed betweeen 60,000 and 100,000 people from satellite camps along the so-called "hidden border" and sent them farther into the Cambodian interior.

Aid officials speculate that some of the new arrivals in the UN-administered camps are in fact originally from these hidden border sites, indicating that there is substantial disease and hunger inside Cambodia.

At least 120,000 Cambodians in nine different provinces have been displaced internally. Khmer Rouge attacks forced nearly 40,000 people to flee their homes in Siem Riep, Preah Vihear, and Kompong Thom provinces, according to the Far Eastern Economic Review. The Phnom Penh government has relocated an additional 35,000 people from Kompong Speu province, following Khmer Rouge infiltration into the area.

Those who have not been displaced by the fighting may be on the move looking for food or medical care, or trying to evade the government draft. Because of conflict, floods, and droughts last year, Cambodia faces serious food shortages in 1991, aid officials say.

In a related development, on January 4, the Thai military announced that O'trao camp, which is controlled by Khmer Rouge guerrillas and holds an estimated 15,000 people, will be closed within three months, according to a report in the Bangkok Post. The Thai official would not say whether the refugees would be moved to another camp in Thailand or into Cambodia.

Sources said that the military had been demanding the closure of O'trao ever since a grenade attack had injured two Thai security officers in early November. According to the Post report, if O'trao is in fact closed, UN officials are likely to try to move the refugees to another border camp or to Khao I Dang, the only refugee camp not controlled by any guerrilla faction.

° Thousands of Somali refugees have fled to neighboring countries and hundreds of thousands have become internally displaced since a new wave of fighting in Somalia's multi-pronged civil war brought chaos to the streets of Somalia's capital, Mogadishu, beginning late December. Some Ethiopian refugees who had been living in Somalia have also fled back to Ethiopia.

Hundreds, perhaps thousands, have been killed in Mogadishu. The bodies of many of the dead lie unburied in the streets. Looting is widespread, electricity and water have been cut off, and there is little food.

Thousands of Somalis jammed the airport trying to get on board chartered airplanes evacuating foreigners. On January 29, the rebels reportedly gained full control of the capital as president Siad Barre fled south.

° Liberian refugees can now be processed for resettlement in the United States without their cases having to be first approved by the State Department or referred to U.S. Embassies by UNHCR. The State Department advised embassies that, in consultation with INS, it had added Liberians to the list of "designated nationalities" eligible for such processing.

The State Department cable indicated that processing would be on a limited basis, authorizing embassy personnel only to register refugees who fall into priorities one, two, and three (compelling concern; former U.S. government employees; and reunification of close relatives of U.S. residents). Processing of Liberians overseas for admission as immigrants or with humanitarian parole status also continues.

The INS has extended until March 31 case-by-case voluntary departure for Liberians in the United States. Liberians who entered the United States prior to July 27, 1990 are required to apply individually for voluntary departure. The case-by-case nondeportation policy is extended, according to a December 21 cable to INS field offices, "pending a decision on the applicability of provisions of the Immigration Act of 1990 relating to temporary protected status" (TPS). The Act established TPS to protect nationals from countries experiencing continuing armed conflict and other dangerous conditions. The law specifies TPS for Salvadorans, but its conference report recommends TPS for Kuwaitis, Lebanese, and Liberians as well.

° The United States has recently initiated a limited refugee resettlement program for Iraqi Kurds in Turkey. On January 29, the Los Angeles Times reported that the admission of the Kurdish refugees to the United States was likely to be delayed due to the war. However, original plans had called for an estimated 300 families to be resettled between January and March, and another 200 families (1,200 persons) to be moved later in FY 91. Those to be considered will be cases submitted by the UNHCR or others with U.S. ties. There are currently an estimated 28,000 Iraqi Kurds in three refugee camps in southeastern Turkey.

° The Department of Health and Human Services has proposed removing HIV (the human immunodeficiency virus associated with AIDS) infection from the list of "dangerous, contagious diseases" for which immigrants, refugees, and visitors can be excluded from the United States (see Refugee Reports,Vol XI, No. 7).

The proposed change, published in the January 23 Federal Register, also removes syphilis, gonorrhea, and leprosy from the list. Tuberculosis would remain as the only medical condition that would bar entry. If made final, the new rule would take effect June 1. However, some advocates of the proposed change have expressed concern that opponents of lifting the ban on entry by persons infected with HIV may attempt to block the rule being made final.

° The Selective Service has begun sending notices to all male permanent resident aliens--including refugees and asylees--between the ages of 18 and 25 notifying them of the requirement to register for the draft. The Selective Service has stated that it will notify the INS of any registrants who it discovers are undocumented aliens, according to the January 7 issue of Interpreter Releases.

° On January 8, UN Secretary General Javier Perez de Cuellar named Ilter Turkmen to be the new Commissioner-General of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Turkmen, a career Turkish diplomat, will succeed Giorgio Giacomelli. UNRWA assists 2.4 million Palestinian refugees in the Israeli-occupied territories, Lebanon, Syria, and Jordan.

° Monsignor Nicholas DiMarzio, executive director of Migration and Refugee Services/U.S. Catholic Conference (MRS/USCC) for six years, has resigned that position to serve as Vicar for Human Services of the Archdiocese of Newark. Reverend Richard Ryscavage, S.J., who had been serving as MRS/USCC deputy director for policy, has been named as Monsignor DiMarzio's successor.

Reader Exchange

The U.S. Embassy in Bangkok has issued a warning about fraudulent information circulating in the Cambodian border camps concerning opportunities for U.S. resettlement. According to the September 5 announcement, flyers promising resettlement in the U.S. are being sold in the Thai-Cambodian camps. These flyers, which are produced by an organization calling itself "Immigration Assistance" in Arlington, Virgina, make "false claims" both about immigration eligibility for Cambodians and about the capacity of the private organization to assist in U.S. resettlement, the Embassy said.

According to what the Embassy called an "informal" translation of the flyer, which was written in Khmer, "Immigration Assistance" promises "You can sponsor your family even if you are not an American citizen yet" and "You can sponsor your husband, wife, children, parents or any distant relative...regardless of location." The whole process takes only 3 to 5 months, the flyer says, but "This special program is very short...so please connect with our office."

"There is absolutely no truth to the claim that the..."Immigration Assistance" office in the U.S. can assist in the U.S. resettlement of Khmer who do not have approved immigrant visa petitions or parole requests on file with the U.S. Embassy," the announcement said. "There is no new special program for Khmer."

"Information on who can file immigration visa petitions is available at local INS offices throughout the United States," the Embassy statement said. "U.S. relatives should be advised to ask for Form I-130 and read the instructions carefully."

° Officer Sunny Ma Lov, the only Cambodian on the Dallas police force, was killed by a speeding car on November 11, 1990 while he was on duty, according to a report in Community Focus, a quarterly publication of the Cambodian Network Development Project. "Cambodians call America heaven because they have escaped death, but this is disappointing," said Youk Chhang, a community outreach worker in Dallas.

Officer Lov is survived by his wife and two young daughters. Donations to his family can be sent to the Sunny Lov Memorial Fund, c/o Bank of the Southwest, P.O. Box 210099, Dallas, TX 75211.

[Editor's Note: We have received a letter from Tom Clark, Coordinator of the Inter-Church Committee for Refugees in Toronto, Canada, commenting on a Refugee Reports article on Canadian asylum procedures. Excerpts from that letter are printed below.]

Dear Editor: In the article "Canadian Asylum Rates at 75%..." (Vol. XI, No. 10) you seem blind to the positive aspects of the procedure in law in the United States and reluctant to accept negative features of the Canadian procedure...

Canadian voluntary agencies have urged governments for 15 years to put refugee protection in law. They want universal access to an oral hearing before independent and impartial decision makers and an appeal on the merits before forced return of a refugee claimant to another country. It shocks many Canadians to learn that the USA has in law the refugee protection they have fought for. US law provides universal access to a full hearing and provides a full appeal before deportation...

The detailed Canadian statute does not guarantee a full hearing before forced return. The crucial first screening hearing is presided over by an immigration adjudicator and permits a number of classes of persons to be excluded.... There is no meaningful appeal provided in the law before forced return from the land border, or before forced return after a screening hearing, or before forced return after a Refugee Board hearing...

We have learned from you that the protection in law from wrongful deportation which you have and which we struggle for is not enough. The U.S. process fails to protect in practice for several reasons which are important as warnings. The Canadian process has positive features despite its abysmal failure to protect...

Canada's law provides a de-facto asylum process while purporting to be a law to protect refugees.... Generous asylum granting reduces the need to examine persons under the more stringent and formal "fair trial" provisions required to protect refugees from wrongful deportation. For us, the asylum granting hides some of the failures of the law to protect refugees...

In measuring the "success" of the Canadian process, care with statistics is needed because the widely published Refugee Board figures apply only to those asylum seekers who reach the jurisdiction of the Refugee Board at the first screening hearing. Immigration department statistics for the overall process show over 50,000 people arrived as of October 31, 1990 since the process began in January 1989; almost one half of them came via the USA. The Refugee Board had made about 10,000 full decisions and it had recognized a little over 7,000 refugees. About 17,000 were waiting to have the first screening hearing for an average 7 months without the right to work. The rest were somewhere inthe process.

"Streamlining" procedures, which your article finds attractive, can be a form of discrimination in which groups of persons are not given equal treatment before the law in violation of the human rights principles for a fair trial. It is difficult to see all this as a basis for awarding Canada 75% success...

To get consistent good law and practice in both our countries requires at least your good protection in law and our 1990 asylum practice plus other key elements including: an independent interpretation of the Convention refugee definition; independent documentation; independent training; independent and competent decision makers; and competent counsel and translator.

Resources

NEW BOOKS RECORD REFUGEE VOICES FROM SOUTHEAST ASIA

Asked to describe his experiences as a Cambodian refugee, Len Kath at first says simply, "I survived." But he goes on, "My leaving Cambodia I often think was a miracle granted to me. Sometimes I think it was a curse."

Ambivalence is a common theme in Voices from Southeast Asia: The Refugee Experience in the United States, by John Tenhula, which records the voices and views of more than 75 refugees from Cambodia, Laos, and Vietnam now living in the United States. There is the ambivalence of the first asylum countries who have let many refugees reach safe haven but have pushed many others back. There is the ambivalence of the resettlement countries, particularly the United States, who have opened their doors to more than one million newcomers from Indochina but worry loudly about their limits.

And there is, most of all, the ambivalence of the refugee--relieved to be alive but guilt-ridden for surviving when so many perished, grateful for the chance at a new life but staggered by the myriad changes to be faced. Len Kath saw his wife and children blown up by mines less than one mile from the Thai border. "I made it to the border and waited with the others for the police to let us enter. I will never accept the decision to leave my wife and children there. Can you imagine what my life is now?"

"All too often," Tenhula writes in his introduction, "Americans want to see immigrants and refugees as part of a heroic folk tale in which they arrive penniless on our shores and in a very short time succeed beyond their and our wildest expectations. It is a good story, but in truth the happy ending is attained by only a few."

One of the few would be Nguyen Ngoc Linh, a refugee from Vietnam who is now a successful businessman in Houston, Texas. In addition to owning a string of fast-food shops which gross more than $2 million per year, Linh publishes a Vietnamese-language newspaper and runs a youth employment agency.

"I believe in work first and then learn English," Linh says. "Do any work, but work, that's what is important. Self-pride. Picking up paper on the street, I don't care what it is. It's pride. Sure, I know there is shock coming here. You tell a Vietnamese to take out the trash and you will see the look of total disbelief, total! So they learn, we all learn."

The successes, usually, are more modest ones. Vern Saechao, a Laotian refugee working at a K-Mart in Youngstown, Ohio, speaks with pride of his well adjusted sons who like baseball and sports. His wife works at the same department store. "Every Sunday we take a picnic to Mill Creek Park. After everything that has happened to us, it is a peaceful time.... Ohio is not too bad."

In compiling this primarily oral history, Tenhula encouraged interviewees to put their thoughts on paper as well. Some wrote poetry. A fifteen year old Cambodian girl in Memphis, Tennessee offered this:

> Biology and math make me feel good.
> I hold them close like I would my mother
> when I was a young girl.
> Too much disaster is found in current events,
> I keep a distance--like the black plague is
> near or an ugly boy.
> I am sad to hear of the journey to America,
> but glad that I am the future.

Voices, published by Holmes & Meier, is the first volume of its Ellis Island Series, which will examine various aspects of migration, resettlement, and acculturation. For more information, write to Holmes & Meier Publishers, Inc., 30 Irving Place, New York, NY 10003.

Student Anthology Marks Passages Katsuyo K. Howard, coordinator of Southeast Asian Student Services at California State University in Fresno, has compiled an anthology of personal histories written primarily by CSU, Fresno students. The short vignettes by 58 Cambodian, Laotian, and Vietnamese refugees--all in their twenties--are grouped into four sections: Our Unforgettable Motherland; Children, We Must Leave!; Living in Two Worlds; and Moving On.

The refugee's nostalgia for home, the terror of flight, and the confusion of life in a new country seem all the more poignant when seen through these young eyes.

"Sometimes I want to step back to the past," writes Tri Quang Le. "I want to walk on the shore and watch the sunrise on the beach. I want to sleep in the thatched hut in the back field and listen to the sound of crickets. I cannot do these things anymore."

Lona Tiv was only nine years old when he and his younger sister left the Cambodian town of Siem Riep in January 1979 and walked more than 100 miles to the Thai border, hoping to find their father in a refugee camp. Their mother and 57 other relatives had been killed by the Khmer Rouge. "As we got closer and closer to Thailand, I saw a lady walking away from the group toward the thick bushes. Suddenly, a very loud sound with fire and smoke came out from the bushes. I believe she stepped on a land mine. Her body scattered all over the place.... The smell was very bad, a disturbing greasy, burning smell."

Lou Saephan writes about life in America, "Joy is being with your family and not having to worry about the future. It also means human beings are not killing one another...We are not hungry anymore. My parents have jobs now and at least that's something to start with. So be thankful for what you have. Joy doesn't come easily in another country."

Passages: An Anthology of the Southeast Asian Refugee Experience is available for $24.95 by contacting Katsuyo Howard, Coordinator, Southeast Asian Student Services, CSU, Fresno, Fresno, CA 93740-0056. (209) 278-2782.

SOUTHEAST ASIAN REFUGEES: ESTIMATED CUMULATIVE STATE POPULATIONS a/ INCLUDING ENTRIES FROM 1975 THROUGH 9/30/90

STATE OF RESIDENCE	ESTIMATED TOTAL	STATE OF RESIDENCE	ESTIMATED TOTAL	STATE OF RESIDENCE	ESTIMATED TOTAL
ALABAMA	3,500	LOUISIANA	15,800	OKLAHOMA	9,600
ALASKA	100	MAINE	1,800	OREGON	21,200
ARIZONA	8,100	MARYLAND	11,200	PENNSYLVANIA	30,400
ARKANSAS	3,300	MASSACHUSETTS	30,100	RHODE ISLAND	7,800
CALIFORNIA	378,500	MICHIGAN	13,000	SOUTH CAROLINA	2,600
COLORADO	13,000	MINNESOTA	34,900	SOUTH DAKOTA	1,100
CONNECTICUT	8,600	MISSISSIPPI	1,900	TENNESSEE	6,900
DELAWARE	300	MISSOURI	8,800	TEXAS	71,800
DISTRICT OF COL.	2,100	MONTANA	1,000	UTAH	9,600
FLORIDA	16,600	NEBRASKA	3,000	VERMONT	700
GEORGIA	12,700	NEVADA	2,600	VIRGINIA	24,300
HAWAII	8,200	NEW HAMPSHIRE	1,000	WASHINGTON	44,900
IDAHO	1,900	NEW JERSEY	9,000	WEST VIRGINIA	400
ILLINOIS	30,000	NEW MEXICO	2,400	WISCONSIN	16,300
INDIANA	4,500	NEW YORK	34,300	WYOMING	200
IOWA	10,700	NORTH CAROLINA	7,400	GUAM	300
KANSAS	11,300	NORTH DAKOTA	1,000	OTHER TERRIT.	b/
KENTUCKY	3,400	OHIO	13,000	**TOTAL**	**957,100**

NOTE: New adjustments for secondary migration were incorporated into these estimates as of 9/30/90.

a/Adjusted for secondary migration through 9/30/89, rounded to the nearest hundred. Not adjusted for births and deaths in the U.S. These figures do not include Amerasian immigrants.

b/Fewer than 100.

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ADMINISTRATION SUBMITS REFUGEE BUDGET REQUESTS FOR FY 1992

[Editor's Note: In this, the first of a two-part article on the FY 92 refugee budget, we focus on the State Department budget for refugee admissions and overseas assistance. We will cover domestic resettlement budget issues in the April issue, by which time the Administration is expected to release more details on its request for $410.6 million for the Office of Refugee Resettlement.]

The Bush Administration has submitted an FY 92 budget request for more than $921 million for refugee admissions, resettlement, and overseas assistance. The proposal includes a $21 million increase for overseas assistance and a $12 million decrease in the admissions budget, while maintaining funded refugee admissions at the FY 91 level.

An estimated 120,000 refugees and Amerasian special immigrants would be admitted with federal funding in the coming fiscal year, nearly 100,000 of whom are likely to come directly from their countries of origin, according to the State Department.

Unlike previous years, the Administration request for FY 92 admissions funds provided no estimates of regional ceilings, although it did say that Soviet admissions would be roughly the same as the FY 91 level of 50,000. Southeast Asian admissions are also likely to be around the FY 91 level of 52,000, State Department officials told Refugee Reports, of which as many as 47,000 could be Vietnamese admissions via the Orderly Departure Program.

Overall resettlement priorities will continue to focus on family reunification, according to the State Department, as well as persecuted religious minorities and former political prisoners.

The Bureau for Refugee Programs (BRP) in the State Department has requested a total of $490.5 million for Migration and Refugee Assistance (MRA), including $192.3 million for refugee admissions and $233.4 million to provide relief assistance to refugees overseas.

The FY 92 MRA budget request for overseas assistance is $21 million more than the current level. Most of this

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increase would go to assist refugees and displaced persons in Africa and Asia. The budget for refugee assistance programs in Central America would be cut by more than half.

The MRA budget request also seeks $40 million to help resettle Soviet Jews in Israel, $14.5 million for international organizations, and $10.2 million for administrative expenses. In addition to the MRA funding request, the State Department is seeking $20 million for the Emergency Refugee and Migration Assistance (ERMA) fund.

Resettlement Will Be Mainly Direct Departure

Instead of providing regional estimates for next year's admissions, the State Department said that specific regional ceilings for FY 92 would be set by President Bush after consultations with the Congress, which are scheduled for June this year, rather than the customary date of September.

In a report to Congress, BRP said that, "For budget purposes, we are assuming regional allocations similar to those in FY 1991." Out of a worldwide refugee admissions ceiling of 121,000 for FY 91, the State Department allocated 52,000 resettlement numbers for East Asia; 50,000 for the Soviet Union; 6,000 for the Near East/South Asia; 5,000 for Eastern Europe; 4,900 for Africa; and 3,100 for Latin America.

With processing of all Soviet refugee applications now taking place in Moscow, and the bulk of East Asian admissions likely to be Vietnamese exiting their country via the Orderly Departure Program (ODP), the State Department estimated that nearly 100,000 of the refugees and Amerasians admitted in FY 92 will be direct departures. That estimate also factors in approximately 3,000 Cuban political prisoners and family members expected to be admitted directly from Cuba.

The Refugee Act of 1980 gave the U.S. government the option to admit as refugees both those who have fled their country due to a well-founded fear of persecution as well as those who are still inside their country. The UN definition of refugee includes only those outside their country.

"My gut reaction is that we don't have a refugee program anymore," said Susan Forbes-Martin, senior associate with the Refugee Policy Group in Washington, D.C. "The provision in the Refugee Act of 1980 was aimed at rescuing individuals who were in imminent danger inside their country. In my view, it was not intended for large groups."

"On the other hand, if the purpose of the admissions program is to save lives," Forbes-Martin told Refugee Reports, "then it doesn't matter where people are. It's not whether they have crossed a border, it's why they need to move that makes them of concern. We should have more numbers to offer the people in refugee camps who have little alternative to long-term confinement while continuing to respond to those inside their country who are of humanitarian concern."

"I think the public expects a mix of programs and a mix of people in admissions," said Dawn Calabia, associate director for refugees for Migration and Refugee Services/U.S. Catholic Conference. "I would like to see more Chinese and Burmese dissidents resettled, for example, and more political prisoners from around the world. But, right now, it is unrealistic to ask people who fear persecution to stay in Vietnam and the Soviet Union."

Judy Golub, legislative director for the American Jewish Committee, told Refugee Reports that "the Refugee Act of 1980 anticipated that there would be changes in the sources of refugee flows and provided the flexibility to respond. We are strong supporters of overseas assistance and of resettlement from first-asylum countries. We have helped work to raise the admissions levels in Africa to 4,900 this year. We also feel that the direct departure admissions of people with a fear of persecution accords with the laws and the goals of the U.S. refugee program."

Africa Region Due for Largest Budget Increase for Assistance Citing "continued civil strife in the Horn, southern, and West Africa," the State Department requested $87.1 million in FY 92 to assist an estimated 4 million refugees and displaced persons in Africa. In FY 91, the Bureau for Refugee Programs expects to give an estimated $75.2 million to the UN High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and private relief groups for aid and protection to African refugees.

In the Horn of Africa, hundreds of thou-

MIGRATION AND REFUGEE ASSISTANCE
FY 199[illegible]
SUMMARY BY PROGRAM
(dollars in thousands)

REFUGEE ASSISTANCE	1990 Enacted*	1991 Estimate	1992 Request	Inc./Dec.(-)
East Asia	$23,815	$39,000	$49,900	$10,900
Africa	54,981	75,200	87,100	11,900
Near East/South Asia	71,900	88,300	92,400	4,100
Western Hemisphere	8,000	9,830	4,000	-5,830
Resettlement Assistance				
Ethnic Turks/Bulgaria	9,957	--	--	--
Sub-total	168,653	212,330	233,400	21,070
REFUGEE ADMISSIONS	246,885	205,220	192,330	-12,890
Transfer to HHS	-14,936	--	--	--
No-year Supplemental Carryover	-21,273	--	--	--
Sub-total	210,676	205,220	192,330	-12,890
OTHER ACTIVITIES				
Refugees to Israel	29,893	45,000	40,000	-5,000
Other International Organizations	11,036	14,570	14,533	-37
Sub-total	40,929	59,570	54,533	-5,037
ADMINISTRATIVE EXPENSES	8,215	8,528	10,294	1,766
APPROPRIATION TOTAL	428,473	485,648	490,557	4,909

**/ Program level reflects use of FY 1990 $75,000,000 supplemental appropriation.*

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND
FY 1992
SUMMARY STATEMENT
(dollars in thousands)

1990 Actual	1991 Enacted	1992 Request	Inc./Dec. (-)
$84,785	$35,000	$20,000	-$15,000

sands of Somalis were internally displaced and tens of thousands more fled into neighboring countries as civil war in Somalia reached a climax at the turn of the year and President Siad Barre was ousted from power. Widespread drought has put an estimated 11 million people at risk of famine in the Sudan. This number includes Ethiopian refugees and southern Sudanese displaced inside their country by both drought and civil war.

In West Africa, political and ethnic violence in Liberia that began in December 1989 and continued throughout 1990 has spurred the exodus of more than 760,000 Liberian refugees.

And in southern Africa, the flight of Mozambicans into Malawi continued at a rate of 6,000 per month, while the repatriation of Angolan refugees from Zaire was stalled by intensified fighting in Angola.

The State Department said its FY 92 budget request was based on an assumption that although the composition of the groups is likely to change, "The overall African refugee population in need of assistance is expected to remain at roughly the 1990 level of about 4 million refugees (of the estimated 5 million African refugees) while protection will be needed for all refugees. In addition, African conflict victims in need of assistance are expected to continue to number some one to two million."

"Those estimates are already proving too low," said Roger Winter, director of the U.S. Committee for Refugees. "Since the budget was prepared, the conflict in Somalia has added hundreds of thousands of new refugees to the rolls. Existing refugee emergencies in Africa have grown worse, and new, large-scale emergencies have developed. This has seriously overtaxed the financial and logistical capacities of the international aid response."

East Asian Assistance Also to Increase Assistance for refugees and displaced persons in Southeast Asia would increase from $39 million in the current fiscal year to $49.9 million in FY 92 in the Administration's request.

State Department officials justified the increase in part by pointing out that in previous years, some of the U.S. contributions to the regional Comprehensive Plan of Action (CPA) for Vietnamese asylum seekers have come out of the ERMA fund, including a $10 million drawdown in FY 90. The BRP has included all anticipated U.S. contributions to the CPA in FY 92 within the MRA account.

The budget figure for East Asia also includes assistance for the estimated 320,000 Cambodian displaced persons on the Thai-Cambodian border. A total of $12.5 million would go to the UN Border Relief Operation (UNBRO) to provide shelter, water, food, medical care, education, and security to Cambodians in the border camps.

Additional sums would be given to UNHCR, not only to assist the 15,000 Cambodians in Khao I Dang camp, but to provide "start-up costs" for repatriation of most or all of the border population should that become feasible in 1992.

Also part of the MRA budget request is $2 million for ICRC and $1.5 million for anti-piracy and rescue-at-sea programs.

Near East/South Asia Has Most Refugees, Largest Assistance Budget Counting the 6 million Afghan refugees still in Pakistan and Iran, and the 2.4 million Palestinians under the mandate of the United Nations Relief and Works Agency (UNRWA) in the Occupied Territories, Jordan, Syria, and Lebanon, the Near East/South Asia region accounts for more than half of the world's 16 million refugees.

The MRA assistance budget for the region is also the largest regional allocation in FY 91--$88.3 million--and the State Department has requested an increase to $92.4 million in FY 92. This request "does not specifically address emergency needs in the Persian Gulf," the BRP budget report said.

A portion of the $19.4 million budgeted for UNHCR will assist in the repatriation of Afghan refugees, which began on a small scale in 1990 and is expected to continue but not necessarily expand. "The UNHCR will be increasingly involved in protection and integration activities in Aghanistan," the BRP said. "However, a sizeable residual refugee population in Pakistan will continue to require food aid, medical care, preventive health care, and education."

The bulk of the FY 92 request--$63.5

million--would go to UNRWA, which provides education, vocational training, relief services, and medical assistance to 2.4 million registered Palestinian refugees. The U.S. government has been a major contributor to UNRWA since it began operations in 1950.

The FY 92 assistance budget for the Near East/South Asia also includes $8 million for ICRC emergency medical assistance and tracing services, primarily in Afghanistan and the Middle East.

Included in the total is $500,000 for ICRC activities in Sri Lanka, which has been the scene of especially fierce fighting between the Sri Lankan government and Tamil minority separatists. Since June 1990, more than 5,000 people have been killed, more than one million internally displaced, and about 125,000 Tamils have fled across the Palk Strait to India.

Aid to Refugees in Latin America Would Drop The Administration has partially offset requested increases in the regional assistance budgets for East Asia, Africa, and the Near East/South Asia by proposing to cut the refugee aid budget for the Western Hemisphere from $9.8 million to $4 million. The lower level of funding, according to the BRP budget report, "reflects expectations of a much improved situation in Central America and the completion of the voluntary repatriation of the great majority of refugees throughout the region."

Of the 135,000 Central American refugees who have been assisted by UNHCR in FY 91, BRP expected all but about 40,000 Guatemalan refugees in Mexico to have returned home by next year. Most of the estimated 55,000 Nicaraguan refugees in Honduras, Costa Rica, and Guatemala are likely to return home in the next six to eighteen months, according to the BRP report. "At the same time, the remaining 2,500 Salvadoran refugees in Honduras were expressing their intent to return to El Salvador by year's end."

"There are many encouraging signs in the region," Sergio Aguayo, professor of international studies at El Colegio de Mexico, told Refugee Reports, "but the U.S. assessment ignores the estimated 400,000 Central Americans displaced in Mexico who are getting practically no assistance from anybody."

Salvadorans comprise the largest number of Central American displaced persons in Mexico, Aguayo said, followed by Guatemalans, Nicaraguans, and Hondurans.

Outside of Central America, UNHCR provides protection and assistance to only about 6,000 refugees, but "internal problems in Peru (guerrilla insurrection) and Colombia (drug-related violence) could lead to refugee outflows from those countries," the BRP report said.

The State Department has proposed giving half of the requested $4 million to UNHCR with the other half going to the International Committee of the Red Cross (ICRC) for emergency medical assistance and tracing services.

State Department Proposes $40 Million to Resettle Soviet Jews in Israel A total of 184,493 Soviet Jews migrated to Israel in 1990, a number that could be doubled in 1991. Included in the MRA budget request for FY 92 is $40 million to help finance the programs of the Jewish Agency for Israel to assist Jews from the Soviet Union, Eastern Europe, and other regions to resettle in Israel.

In the FY 91 appropriations bill, Congress earmarked $45 million for Jewish refugees in Israel. "The U.S. grant has historically represented a small percentage of overall costs of resettling refugees in Israel," said the BRP report, "and the dollar amount in any given year is not directly linked to the number of new arrivals."

ERMA Would Get $20 Million The State Department asked for $20 million in FY 92 for the Emergency Refugee Migration Assistance fund, which the President can draw upon to meet "unexpected urgent refugee and migration needs." The ERMA fund is permanently authorized to carry up to $50 million, although in 1990, ERMA held as much as $84 million at one point.

In FY 90, the Administration drew down more than $60 million, while Congress appropriated an additional $35 million, leaving the fund with a total of $59 million going into FY 91.

In January, the President authorized an ERMA drawdown of $12.1 million, of which $6 million was used to assist Liberian refugees; $2.5 million was given to UNHCR for Sudanese refugees; $600,000 was contributed to assist

Chadian, Rwandan, and Burundi refugees; and $3 million went to the Office of the United Nations Disaster Relief Coordinator (UNDRO) to help evacuees from the Persian Gulf.

Recent Developments

TEMPORARY PROETECTED STATUS APROVED FOR LIBERIANS, LEBANESE, AND KUWAITIS

Attorney General Dick Thornburgh announced on February 22 that temporary protected status (TPS) would be designated for Liberians, Kuwaitis, and Lebanese currently in the United States. Each nationality group will be protected from deportation for a period of one year from the date the notice is published in the Federal Register.

"This will ensure that persons from those countries will not be forced to return to their homelands while present dangers exist," said Thornburgh.

The Immigration Act of 1990 authorizes the Attorney General to grant TPS to aliens in the United States who are nationals of countries that are subject to armed conflict, natural disaster, or other extraordinary circumstances. Congress had mandated TPS for Salvadorans in the statute (see next story), and had recommended TPS for Liberians, Kuwaitis, and Lebanese in the conference report accompanying the legislation.

The Immigration and Naturalization Service estimates that some 51,000 persons could benefit from the TPS designation, representing 27,000 Lebanese, 14,000 Liberians, and 10,000 Kuwaitis.

Nongovernmental reaction to the Attorney General's announcement was positive. Albert Mokhiber of the American Arab Anti-Discrimination Committee (ADC) said, "We are very pleased that the Attorney General made this decision. It will have a major impact on nationals of Kuwait and Lebanon."

Mokhiber said that the ADC would like to see the designation for Kuwait and Lebanon include "residents", not just nationals of those countries, since both countries have large, vulnerable Palestinian populations, who are legally stateless. "Many were born in Kuwait and have no ties to any other country. They have now been refugees several times over."

Mokhiber said that many of the Palestinians in Kuwait offered safe haven to American residents there after the Iraqi invasion.

INS sources indicate that the delay in publication of the TPS notice in the Federal Register following the Attorney General's announcement is due to discussions about including long-time residents of Kuwait in the designation.

Outreach Activities Planned for Liberians

Nongovernmental agencies working with Liberians are already gearing up for outreach efforts to the Liberian community, including plans to produce a videotape, possibly in cooperation with the INS Outreach program.

Binafre Nowrojee, staff attorney with the Lawyers Committee for Human Rights, noted that "in-reach" is also needed. "The Immigration Service needs to tell their own people how TPS should work." Nowrejee said that prior to the TPS designation, Liberians had been protected by EVD--extended voluntary departure. "Many within the INS had been unaware that Liberians had EVD, or gave conflicting information to Liberians" about it.

"The general feeling is great," said Dr. Jane Martin of the African-American Institute, which sponsors "Liberia Watch." Martin also noted the problems Liberians had encountered with EVD, saying that EVD status had only lasted for six months, and that work authorization was often delayed.

"We want to work with the INS to make the TPS program efficient," said Nowrojee.

Outreach is likely to be eased for Liberians, Kuwaitis, and Lebanese because of the low fees for TPS registration. Unlike the TPS fees for Salvadorans, which the law says should be "reasonable," TPS registration for other nationalities is capped at $50 by statute.

The registration procedure for these three nationalities is anticipated to be one-step with automatic work authorization. They will have six months to register.

SALVADORAN TPS REGISTRATION SLOW; APPLICATION FEES COULD BE LOWERED; BUT WORK AUTHORIZATION FEES NEARLY DOUBLE

The number of Salvadorans registering for temporary protected status (TPS) in the first month and half of the program have been less than expected. A total of 18,329 registered, as of February 15. The Immigration and Naturalization Service (INS) initially anticipated that as many as 350,000 would apply during the six-month registration period. Now, the INS is revising estimates down to about 150,000.

Community groups and nonprofit agencies have been highly critical of the fees required for *TPS* registration, arguing that this is one of the principal reasons for the low turnout (see Refugee Reports, Vol. XII, No. 1). Following the publication of interim regulations in the Federal Register, the INS received more than 1,000 comments from nongovernmental groups and individuals, which were overwhelmingly critical of the fee requirements. Adding fuel to the fire, the INS proposed a series of user fee increases in the January 29 Federal Register, which would raise the cost of a work permit from $35 to $60.

In response to these developments, the INS is in the process of proposing two changes in the TPS fee structure: first, a family cap of three members per family; second, dropping the re-registration fee for each six month period of TPS (although the increased work permit fee would have to be paid every six months).

The effect of these changes, if they come into effect, would offset to a great extent the increase in work permit fees, especially for family groups. Under the present fee system, a family of four adults pays a total of $1,520 for TPS and work authorization, and a family of two adults and two children pays $1,210. Under the proposal, which is still circulating within the Administration, a family of four adults would only pay $845 and the family of two adults and two children would pay $535.

This INS proposal cannot come into effect until it is approved by the Justice Department, the Office of Management and Budget (OMB), and published in the Federal Register. Since the TPS registration period is statutorily required to end on June 30, the federal bureaucracy will have to work quickly if the proposed lowering of fees is to have any effect on Salvadoran registration.

INS sources suggested that there are limits to how quickly the change can be approved. "We couldn't make it any faster than how we are now proceeding," said one source.

Although INS district directors have discretion to waive the fees for indigent registrants, no TPS application fees had been waived in the northern, southern, or western INS regions, as of February 8. Only seven persons have had their fees waived out of a total of 8,138 applications in the eastern region, the only region where TPS fees have been waived.

Ease of Processing Affects Numbers Registering The number of Salvadoran applicants for TPS appears to bear less relationship to the undocumented population in a given INS district than to the mode of registration. Los Angeles, which is believed to have the nation's largest population of Salvadorans, has trailed behind Baltimore and Arlington, Virginia in the number of applicants.

TPS REGISTRATION BY INS REGION
as of February 15, 1991

Eastern	Northern	Southern	Western
9,847	651	4,420	3,361

Baltimore has had one-step processing since the inception of the program, which seems to account in large part for its surprising standing as the number one city in the nation for Salvadoran TPS registration. When the Arlington INS office switched from scheduling interviews there to a one-step process at a community center in Washington, D.C., the number of applicants rose dramatically.

Los Angeles, on the other hand, has a system involving mailing of paperwork and scheduling of interviews, which agencies call "off-site, mail-in." And the response from the Salvadoran community has been very slow.

"The statistics speak for themselves," said Guillermo Rodezno, executive director of El Rescate "We have the largest Salvadoran population, but other cities have more people coming forward."

Salvadorans register for Temporary Protected Status (TPS). At Washington's Indochinese Community Center, the INS registered 250 Salvadorans per day for TPS during starting early February. Refugee Reports surveyed a group of 25 Salvadorans who had appointments during the first hour of registration on February 26th. All who responded expressed awareness that TPS was a temporary program, but their thoughts on what might happen after the 18 months differed considerably. One woman assumed that TPS was renewable after 18-months. Many said that one way or another they thought there would be some legal way they would be allowed to remain in the United States after the initial 18 months, but some acknowledged that deportation could eventually be a possibility. The group saw registration as something of a gamble, but given the benefit of immediate work authorization and at least temporary protection, they also saw it as a risk worth taking. Most thought that a majority of eligible Salvadorans they knew would register. Those least likely to register, they said, were those who had found secure work even without work authorization.

Photo Credit: USCR/Hiram A. Ruiz

Rodezno said that the Los Angeles agencies now have enough experience with TPS processing to say that a change is needed. But what? Because the city is so large and spread out and because public transportation is inadequate, local agencies hesitate to endorse a complete switch to one-step, on-site processing. "The INS processing center is 45 minutes to an hour away from Los Angeles," said Madeline Janis, executive director of CARECEN, the Central American Refugee Center.

Currently, the local agencies prepare the paperwork, and the INS has been willing to come out to their offices to conduct interviews. But this results in delays of two weeks to a month before the registrants actually receive a work permit.

"In the best of all possible worlds, we would have one-step processing in a local community center or INS legalization office located in the heart of the Salvadoran community," said Janis. Although noting that such a switch "would make a difference," Janis said that there are several other reasons for the low turnout in Los Angeles. "Fear is a big factor," she said, which she attributes in part to the aggressive criticism by her own and other local agencies of the TPS program prior to the settlement of the American Baptist Church (ABC) suit in December, which provides a chance for rehearing of asylum claims. "The fear of deportation after 18 months is "tough to overcome," she said.

Janis said that more than 50,000 Salvadorans in Los Angeles already have work permits because they have asylum claims pending. "They don't understand the effect of ABC," she said. She also guessed that those with work permits who are aware of the ABC/TPS program will wait until June to register "so they don't have to pay [for TPS registration and a work permit] three times." Janis faulted the local INS district for having "done essentially nothing" on outreach to the community.

Frank Sharry, executive director of the National Immigration, Refugee, and Citizenship Forum, which has been coordinating TPS implementation nationwide, observed that "the best outreach possible is for the applicant to walk out after registering with a shiny new work permit."

NEAR EAST/SOUTH ASIA REFUGEE PROCESSING DISRUPTED BY GULF WAR

Security concerns stemming from the Gulf War that have caused the temporary suspension of refugee processing out of the Sudan and of Kurds out of Turkey (see Refugee Reports, Vol. XII, no. 1) have also resulted in the removal of Joint Voluntary Agency personnel from Islamabad, but not in the cessation of activities there. A backlog representing more than four-months worth of processing of refugees who had been interviewed and accepted has continued to be moved in the absence of new interviews. Also, local staff have continued to accept applications in Islamabad. "Only the middle step is missing," said one source.

The first quarter processing statistics for Near East/South Asia show a total of 1,323 arrivals--548 Afghans, 650 Iranians, and 125 Iraqis. Although most Afghans were processed through Islamabad, nearly all of the Iranian cases came through Vienna and Frankfurt, and the Iraqi cases through Rome and Athens.

The new program that was to begin processing Iraqi Kurds out of Turkey was called off on the very day that an International Catholic Migration Commission team was to have begun interviewing the first group of 1,800 people to be processed. After traveling overland the length of Turkey for about 29 hours, they had to turn around and evacuate the country.

Informed sources indicate that the State Department will review JVA operations in areas of suspended operation in mid-March.

SUPREME COURT ALLOWS JUDICIAL REVIEW OF IRCA LEGALIZATION DENIALS

The U.S. Supreme Court ruled on February 20 that federal courts have the right to hear class action suits challenging large-scale violations of the rights of undocumented farm workers applying for legalization under the special agricultural worker (SAW) provisions of the 1986 Immigration Reform and Control Act (IRCA). The Immigration and Naturalization Service (INS) argued unsuccessfully that IRCA had restricted judicial review to that of individual applicants about to be deported.

Writing for the majority in the 7-2 decision, Justice John Paul Stevens said that because there is no provision for direct judicial review of SAW denials, review could only come if the alien surrendered himself for deportation. "Quite obviously," Stevens wrote, "that price is tantamount to a complete denial of judicial review for most undocumented aliens." Stevens also noted that the "pattern and practice" of alleged INS unconstitutional practices would not have been found relevant in challenging an individual application.

The decision, McNary v. Haitian Refugee Center, directly affects about 40,000 farm workers who claimed that their denials had been due to violations of their due process rights. Stevens noted that by the time the case appeared before the Supreme Court, there was no dispute "that the INS routinely and persistently violated the Constitution and statutes in processing SAW applications."

John J. Curtin Jr., president of the American Bar Association, called the ruling "one of the most important immigration decisions in the last quarter century."

The decision is likely to affect other suits, including Ayuda v. Thornburgh, which maintains that the INS interpreted too narrowly the IRCA requirement that the amnesty applicant's unauthorized presence be "known to the government." On February 25, the Supreme Court remanded the case to the D.C. circuit court of appeals for a ruling consistent with McNary.

UPDATE

° Senator Edward Kennedy (D-Mass.) and Rep. Merwyn Dymally (D-Calif.) have proposed bills in the Senate and House of Representatives that would provide emergency relief for Liberia and Liberian refugees. The Liberia Relief, Rehabilitation, and Reconstruction Act of 1991 (S.413; H.R.994) would provide sufficient funds to purchase and transport adequate levels of food; provide health care; rehabilitate the water supply; repatriate refugees when that is possible; and provide seeds and agricultural tools.

° Several high-ranking officials of the Immigration and Naturalization Service have recently left the agency, including Ben Davidian, the head of the Western Region as well as the associate commissioner for management, the associate commissioner for information systems, and the comptroller. Other demotions and shifts are reportedly taking place, including removing from the decision-making hierarchy, William A. Skaggs, the chief of staff for INS Commissioner Gene McNary.

The agency shake-up is attributed, in part, to the February 1 report of the Carlson panel, appointed by Attorney General Dick Thornburgh to analyze management problems at the INS. Following a highly critical General Accounting Office report of INS management, Thornburgh asked Norman Carlson, the former director of the federal Bureau of Prisons, to head the group making the assessment.

Davidian was quoted by the February 14 Los Angeles Times as saying, "I think whenever you have an attempt to change in a major way the way things are done in an organization, then people do get concerned about that, and I suppose a bit of frustration is in there."

° On February 18, a Hong Kong judge ordered a new hearing for a Vietnamese asylum seeker whose application for refugee status had been rejected due to an error made by a local immigration officer, according to a report in the New York Times. Justice Barry Mortimer of the High Court, who ruled on the case, recommended that the Hong Kong government review the refugee applications of all screened-out Vietnamese to check for accuracy.

The immigration officer who interviewed 24-year-old Do Giao had written incorrectly in his report that the applicant had worked for a time in a state-run factory. Do's claim to a well-founded fear of persecution hinged on his assertion that he had been denied identity papers because of his family's anti-communist past and had been forced to lead an underground life.

Justice Mortimer recommended that Vietnamese asylum seekers should be allowed to read the immigration officers' reports to check for any inaccuracies.

Lawyers for Do Giao and the Hong Kong government both claimed a victory in the case. "I welcome this decision as laying down some very important guidelines that ought to be followed, and in establishing law governing judicial review of administrative decisions," said Daniel Fung, the defense lawyer for Mr. Do.

But the refugee coordinator for the Hong Kong government, Clinton Leeks, saw it otherwise. "The case tried to cover an enormously wide area--it was brought as an attack on a whole range of screening procedures," Leeks told the New York Times, "and in reviewing that wide area the judge has come down to a problem with one specific point. Far from declaring our screening procedures in disarray, this decision vindicates our procedures."

"The decision was technical and narrow, legally speaking, but politically it will have enormous consequences," countered Arthur Helton, director of the Refugee Project for the Lawyers Committee for Human Rights. "This was the very first judicial challenge to the screening process, and a Hong Kong judge found the screening decision flawed. I think that fact will figure prominently in any future discussions among the United States, the United Nations, Hong Kong and Britain over the fairness of the process."

Current Research

PILOT PROGRAM RELEASES DETAINED ASYLUM SEEKERS

Starting in May 1990, the Immigration and Naturalization Service (INS) embarked on an experimental project to release 200 excludable asylum seekers to determine, in the words of INS Commissioner Gene McNary, "whether an expanded use of parole authority on behalf of excludable asylum seekers is feasible and desirable."

The pilot project was slated to last for 18 months. The Lawyers Committee for Human Rights has issued an interim report assessing the successes and problems in the first six months of the program. Under the terms of the program, asylum applicants who were represented by counsel were eligible for release if they could give sufficient assurances that they would not abscond during the course of immigration court proceedings. On this, the most important measure of the project's success (showing up for hearings at the immigration court), the Lawyers Committee found compliance rates of 100 percent in Los Angeles and San Francisco, California, representing 9 and 12 persons respectively, and 97 percent in New York, for the 54 persons who were released with community sponsors, out of a total of 127 who were paroled there. The fourth city, Miami, where 52 persons were released, was "more difficult to discern," according to the report, "due to the failures in implementation of the program, and lack of INS and community cooperation."

An INS source responded to the interim report by pointing out that compliance among those in New York who were not supported by voluntary agencies fell well short of the compliance rates cited by the Lawyers Committee for those who were supported by community groups.

Involvement of Community Groups "Crucial" In general, the report demonstrates the importance of active involvement by voluntary agencies for the success of the program. Organizations agreeing to act as "designated voluntary agencies" for parolees accepted the responsibility to assist them with counseling and employment services. "Regardless of the scope and available funding of the designated organizations," said the report, "two concerns which remain constant are the need for sharing and coordination of services provided and funding to alleviate the financial burden of assisting indigent asylum services." In New York, this problem was overcome, in part, through a grant from New York Community Trust to Catholic Charities.

While the success in New York shows the benefits of community involvement, the failures in Miami demonstrate the consequences of inadequate community support. "In Miami, the absence of legal groups and social service involvement, along with severe communication and implementation problems on the part of the INS, fostered a project characterized by disarray, uncertainty, and frustration," said the report. "The experience of the 52 aliens released in Miami demonstrates the crucial need for community involvement in helping to both coordinate and monitor the release of asylum seekers."

The Miami program demonstrated how poor communication between the INS and private agencies could doom it from the start. Although Haitians represented nearly two-thirds of asylum seekers detained in the Miami district, no Haitians were included in the parole program in its first month. The local INS district director told the Ft. Lauderdale Sun Sentinel at that time, "of the criteria for release, the most difficult for the Haitians to meet is that of a valid asylum claim." But, then, suddenly, as one local attorney put it, the pilot project became a "catch-all" for all detainees the INS wanted to release, including Haitians. The report quotes the local INS assistant district director for detention and deportation as saying he had been worried about not being able to "fill the 50 slots in Miami" before the openings ran out.

Several Miami lawyers said that detainees were paroled even when the attorney of record had not requested it. Other Miami attorneys were not sure whether their clients were included in the project or not. The local American Immigration Lawyers Association (AILA) attorney who agreed to monitor the program, Robert Boyer, observed, "I don't think anyone in Miami took this program seriously--no one on any side."

The Lawyers Committee report recommends that the pilot parole project should be terminated as a demonstration project and replaced with a new general INS policy for releasing excludable aliens. The report recommends that the INS Operations Instructions be revised to interpret the law about release "in the public interest" to include "asylum applicants who are represented by counsel, who can give reasonable assurances that they will not abscond, including demonstration of assistance and support by family, or community, church, or other voluntary groups."

The 42-page study, "Interim Report on the Pilot Parole Project of the Immigration and Naturalization Service," is available for $6 from the Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th floor, New York, NY 10001.

U.S. REFUGEE AND ASYLUM PROGRAMS AND POLICIES: A 1990 CHRONOLOGY

The following is a chronology of U.S. program, policy, and legislative decisions affecting refugees and asylum seekers during 1990. The listing is taken from articles that appeared during the year in Refugee Reports.

January 9: As of this date, the Immigration and Naturalization Service (INS) reports that 1,768,300 persons had applied for legalization under the regular provisions of the Immigration Reform and Control Act (IRCA). Nearly 70 percent of the total were Mexican; 8 percent were Salvadoran; 3 percent Guatemalan; and no other nationality represented as much as 2 percent of the total. More than half of the applicants applied in the state of California.

February 7: INS Commissioner Gene McNary announces from the grounds of the Port Isabel Service Processing Center, a large INS detention facility in south Texas, stepped up efforts to detain and deport undocumented Central Americans. "The message we are now sending," he said, "is, 'Just don't drop in our doorstep without a just cause and provable case of fear of persecution.'"

March 17: The tenth anniversary of the Refugee Act of 1980 is marked by reports issued by both Amnesty International USA and the Lawyers Committee for Human Rights critical of the record of implementation of the Act in its first decade.

March 23: The directors of World Vision and the National Association of Evangelicals write to President Bush concerning about 6,000 Soviet Evangelical Christians stranded in the Soviet Union because they had applied for exit visas to Israel prior to a change in policy making direct departure from Moscow to the United States their only way to exit the country.

March 29: The U.S. General Accounting Office (GAO) releases a report saying that the employer sanctions provisions of IRCA had resulted in "a widespread pattern of discrimination."

April 11: President Bush issues an executive order barring the deportation of all Chinese nationals present in the United States between the time of the Tiananmen Square Massacre (June 5) and the signing of the order.

April 23: President Bush signs into law the Hate Crimes Statistics Act, which calls for the collection of data on crimes motivated by race, religion, ethnicity, or sexual orientation.

April 24: The U.S. government suspends registration of new Czech cases for the U.S. overseas refugee admissions program and announces that the only Czechs, Poles, or Hungarians (registration of the latter two nationalities for the refugee program having been suspended on November 22, 1989) eligible for admission to the United States as refugees would be those whose lives are in imminent danger.

May 1: INS Commissioner McNary announces a pilot program to parole up to 200 detained asylum seekers to test the feasibility and desirability of paroling excludable asylum seekers.

May 7: A State Department witness tells a Senate hearing on the FY 91 budget that the closing of the Rome-Vienna pipeline for Soviet refugee processing will result in savings of $40 million for the refugee program, which will be shifted to overseas assistance.

May 25: A $4.4 billion FY 90 supplemental budget is signed into law. It includes $70 million for the admission of 27,000 refugees, mostly from the Soviet Union; $25 million to replenish the Emergency Refugee and Migration Assistance (ERMA) fund; and $5 million for resettling Soviet and other refugees in Israel. Other provisions of the supplemental include a $6 million transfer of student financial aid funds into the Office of Refugee Resettlement's targeted assistance program; a $400 million housing loan for Soviet refugees in Israel;

$30 million for demobilization, repatriation, and resettlement of the Nicaraguan Contras; and up to $5 million in emergency assistance for children in Cambodia.

June 12: The INS stops detaining family groups of Central American asylum seekers at its shelter in Brownsville, Texas due to decreasing numbers of Central Americans with children seeking asylum.

June 26: The UN High Commissioner for Refugees, Thorvald Stoltenberg, meets with President Bush to persuade him to agree to the involuntary return of denied Vietnamese asylum seekers in Southeast Asia. The White House reiterates the U.S. position in support of first asylum in Southeast Asia and against involuntary repatriation due to current conditions in Vietnam.

July 2: The INS resumes sending out notices to Nicaraguan asylum applicants who had been denied asylum, a practice that had been suspended since 1987. About 200-300 denial notices are being sent out per week.

July 18: Secretary of State James Baker 3rd announces the withdrawal of U.S. recognition of the UN seat of the Coalition Government of Democratic Kampuchea, which includes the Khmer Rouge.

July 27: Final asylum regulations are published in the Federal Register after a 10-year wait. The regulations establish a corps of asylum officers within the INS with the exclusive task of adjudicating asylum claims and a documentation center to provide the INS adjudicators with information on human rights conditions.

July 27: The INS announces that it will "view sympathetically" requests to defer the enforced departure of Liberian nationals in the United States faced with deportation because of the situation in Liberia.

September 10: UNHCR Stoltenberg calls upon the U.S. government to end its policy of screening refugees seeking U.S. resettlement for the human immunodeficiency virus (HIV), the virus associated with AIDS.

October 12: President Bush authorizes the admission of up to 131,000 refugees in FY 91, including up to 52,000 from Southeast Asia and up to 50,000 from the Soviet Union.

October 30: President Bush declares this Refugee Day.

November 5: President Bush signs spending bills that appropriate $931 million for refugee relief and resettlement in FY 91, more than $87 million than the Administration had requested. Added to the spending bill was a provision extending until October 1, 1992 legislation originally passed in 1989--known as the Lautenberg Amendment--that requires the Attorney General to establish "category groups" from the Soviet Union, Laos, Cambodia, and Vietnam "who share common characteristics that identify them as targets of persecution," and lowers the threshold test of a well-founded fear for persecution for members of these category groups by making them eligible for admission as refugees "by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution."

November 20: A Ninth Circuit Court of Appeals panel strikes down a government appeal of the Orantes-Hernandez suit, which holds that the INS coerces Salvadoran asylum claimants into dropping their asylum claims and returning to El Salvador.

November 30: President Bush signs the Immigration act of 1990, which reforms many aspects of immigration law. Refugee/asylum-related highlights of the law include revising the grounds for exclusion from the United States; establishing a temporary protected status (TPS) for nationals of countries experiencing ongoing armed conflicts and other dangerous conditions (and mandating TPS for Salvadorans for an 18-month period); permitting *in absentia* deportation orders for asylum seekers who fail to appear at their hearings; and doubling to 10,000 the number of asylees per year who can adjust to permanent resident status.

Resources

TPS/ABC MANUAL AVAILABLE

A manual directed to nonprofit agencies assisting and counseling Salvadorans has recently been produced by the Immigrant Legal Resource Center and the National Immigration Project of the National Lawyers Guild.

"Temporary Protected Status for Salvadorans and the ABC Case," by Dan Kesselbrenner and Mark Silverman, provides guidance on the law, interim regulations, and terms of settlement of the American Baptist Church (ABC) suit. In addition to explaining each point, the manual provides "practitioner's tips" and case examples.

Bound in a three-ring binder, the manual is divided into 13 chapters covering a range of topics, such as disqualifying grounds, TPS waivers, weighing risks and benefits, proceedings, and TPS group processing. An extensive 105-page collection of appendices is attached, which includes a glossary, the interim regulations, the ABC settlement, and various INS forms.

The manual, published in February 1991, is provided free of charge to voluntary agencies doing significant TPS processing work. The price for members of the National Lawyers Guild is $40; $50 for attorneys in private practice. To order, contact the National Immigration Project of the National Lawyers Guild, 14 Beacon St., Suite 506, Boston, MA 02108. (617) 227-9727.

SPANISH VIDEO EXPLAINS TPS/ABC

The National Immigrant, Refugee, and Citizenship Forum is making available free of charge to nonprofit agencies a 14-minute video in Spanish that provides an overview of Temporary Protected Status (TPS) for Salvadorans and the American Baptist Church (ABC) settlement.

The video features immigration experts and community leaders who discuss risks and benefits of registering. Eligibility for the program and other questions are addressed through a conversation showing two Salvadoran women en route to a community forum to learn more about their rights under TPS/ABC.

La Nueva Ley de Inmigración para Salvadoreños: El Estado de Protección Temporal (TPS) y Beneficios Logrado por el Acuerdo ABC, produced and directed by Heidi Hall, is available free of charge to nonprofit agencies and to private attorneys for $20. To obtain a copy, contact the Forum, 220 I St., NE, Suite 220, Washington, DC 20002. (202) 544-0004.

NEW QUARTERLY NEWSLETTER FOCUSES ON AFRICAN REFUGEES IN THE UNITED STATES

The first issue of African Refugee NETWORK, published by the Ethiopian Community Development Council (ECDC), came out in January 1991. The quarterly newsletter is part of ECDC's Africa Refugee Resource Development project, funded by the Office of Refugee Resettlement (ORR).

Issue No. 1 includes an overview of the Immigration Act of 1990, newsbriefs, facts and figures on African refugee admissions, a calendar of upcoming events, and a list of resources.

According to its publishers, African Refugee NETWORK seeks to provide a link between African refugees, African community-based organizations and MAAs, policymakers, service providers, and national and international agencies active in African refugee issues and resettlement.

For further information, contact African Refugee NETWORK, ECDC, 3213 Columbia Pike, Suite 101, Arlington, VA 22204. (703) 685-0510.

MUSKIE ISSUES REPORT ON CAMBODIA

Former U.S. Senator and Secretary of State Edmund S. Muskie has issued a report based in large part on his three week trip to Cambodia, Vietnam, and Thailand in October 1989 to "explore options for U.S. policy in relation to the changing military, economic, and diplomatic situation in the region."

Exploring Cambodia: Issues and Reality in a Time of Transition, published in October 1990 by the Center for National Policy, which Muskie chairs, calls "the central question for U.S.

policy...simply this: why should we insist on dismantling the existing government prior to elections, and thereby risk the return of chaos? Would it not be better for Cambodia to let the existing government administer this fragile nation, pending the selection of a new one, under international supervision?...

"We should reject the idea that Cambodia must be subjected to war until a comprehensive political settlement is achieved, and we should instead begin the journey toward peace with some feasible steps," Muskie writes.

Exploring Cambodia is available for $15.00 from the Center for National Policy, 317 Massachusetts Avenue, N.E., Washington D.C. 20002. (202) 546-9300.

OXFAM AMERICA OFFERS PHOTO EXHIBIT ON CAMBODIANS

Using photographs by freelance photographer Leah Melnick and bilingual text derived from oral histories and the work of Cambodian writers, Oxfam America has organized a travelling photo exhibit that examines life today inside Cambodia, in Thai border camps, and in the United States. "Distant Relations: Cambodians Inside and Outside the Homeland" contains 25 to 40 black and white photographs (11" by 14") with bilingual captions and text. The exhibit comes with instructions for installation, publicity, education, and outreach. Suggested sites include schools, libraries, neighborhood centers, conferences, museums, and galleries.

"Distant Relations" may be rented for single, month-long engagements. For more information, contact Distant Relations Photo Exhibit, Oxfam America, 115 Broadway, Boston, MA 02116. (617) 482-1211.

HUMAN RIGHTS IN SUDAN IS SUBJECT OF FIRST REPORT BY THE FUND FOR PEACE HORN OF AFRICA PROGRAM

Within weeks, international agencies estimate that thousands of Sudanese will begin to die from war and drought-induced famine. Eleven million are at risk, almost half of those in the war-torn southern Sudan, the source of hundreds of thousands of internally displaced people and refugees.

"Fundamentalism and Militarism: A Report on the Root Causes of Human Rights Violations in the Sudan," by Abdullahi A. An-Na'im and Peter N. Kok, is a monograph that provides the context for the continuing tragedy facing Sudan's civilians.

The report is the first of a series of papers produced by the Fund for Peace Horn of Africa Program. Copies are available for $3.00 from The Fund for Peace, Horn of Africa Program, 823 United Nations Plaza, New York, NY 10017. (212) 661-5900.

Job Board

[Several readers have commented that they appreciate having the new job board section in Refugee Reports. If you know of openings, please let us know at our office in Washington (address on back cover). If you wish, FAX the announcement to (202) 347-3418, attention Virginia Hamilton.]

Program Coordinator. To work with local and national refugee and immigrant service organizations to implement the Immigration Act of 1990.

Contact Frank Sharry, National Immigration, Refugee and Citizenship Forum, 220 I Street, NE, Suite 220, Washington, DC 20002. (202) 544-0004.

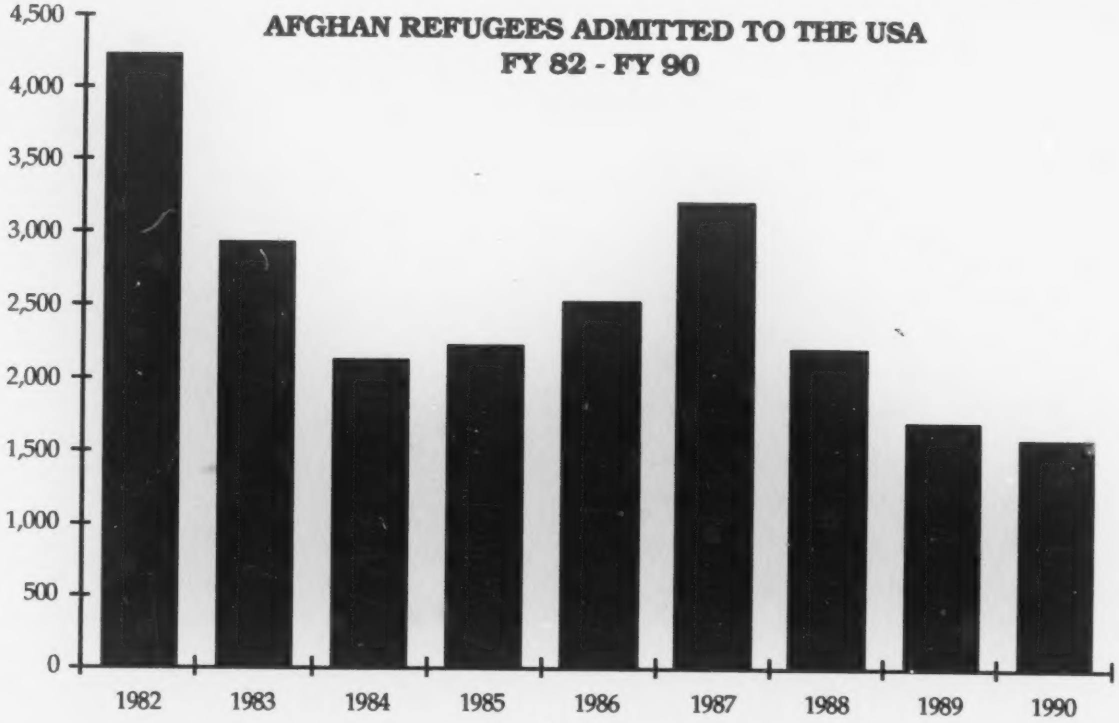
There are three positions available at El Rescate:

Development Associate. To assist the development director in researching funding sources, writing proposals, and developing organizational outreach materials.

Attorney. To maintain a caseload in deportation proceedings (mainly political asylum), community education (outreach regarding TPS/ABC), and coordinating pro-bono panel.

Paralegal. To be responsible for client intake and referral. Will also assist attorney in preparation and presentation of political asylum claims.

To apply, send resume to: Todd Howland, El Rescate Legal Services, Inc., 2675 W. Olympic Blvd., Los Angeles, CA 90006.



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Volume XII, Number 3/4 **March/April, 1991**

"APRIL IS THE CRUELEST MONTH": THE FLIGHT OF THE IRAQI REFUGEES

Ahmed Karim crouched with his wife and two children under a small tent on a remote mountainside somewhere in Iran. Just two weeks before, the Kurdish man had been a bank manager in the Iraqi city of Kirkuk with a house, a good salary, and a respectable position in society. Now, he said, "we are living here like"...he stammered for the word in English..."like Neanderthal people...cave people...no water, no food, cannot wash, cannot do anything here."

Since the beginning of April, in what has been called the most dramatic movement of people in this century, at least 1.5 million refugees--Kurds, Assyrians, Turkomans, Chaldeans, Shias, and Sunnis--have fled violence and repression in Iraq and sought asylum in Iran and Turkey. Perhaps one million more have been displaced inside Iraq. Between 2,000 and 3,000 people are dying every day from starvation, exposure, and disease. The survivors huddle in the rain and the mud, in the biting cold or the sweltering heat, often without shelter of any kind, in some of the world's most inaccessible and inhospitable terrain. More than half are children under twelve years of age.

The world was caught unprepared for a crisis breaking with such magnitude, severity, and terrible speed. In January, United Nations (UN) agencies and the International Committee of the Red Cross (ICRC) had estimated that only about 200,000 refugees would flee to Iran and Turkey during the Gulf War. By the end of March, scarcely one-third that number had materialized.

Within days, however, everything changed. A Kurdish rebellion in northern Iraq and a Shiite Muslim revolt in the south were quickly and ruthlessly suppressed by the Iraqi army, and the refugee exodus was on. A deserter from Iraq's Republican Guard told The Washington Post that he had seen "artillery and phosphorus bombs being used against the opposition, women and children included. Iraq is forsaken, deserted, three-

IN THIS ISSUE:

While we assume that our readers have been following the tragic story of Iraqi refugees and displaced persons in the newspapers and on television, Court Robinson offers an overview of the April exodus, which has been called one of the most dramatic movements of people in this century. Bill Frelick has just returned from Iran and will be providing additional coverage of the crisis in subsequent issues 1

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fourths of its people are fleeing."

"This is a Worst-Case Refugee Disaster" By April 5, an estimated 10,000 Iraqi refugees per day were crossing the border into Iran, and Iranian officials warned that the totals could quickly exceed one million. More than 250,000 people were massing on the Turkish border, and another 250,000 were reported to be close behind. A UN appeal for $137 million in emergency funding captured the dire urgency of the needs: "Existing camps in Iran and Turkey are full. Emergency measures are urgently required to provide...tents and blankets to shelter new arrivals.... Freezing weather presents threatening conditions to the refugees. Many are arriving in poor physical condition, comprising mainly children, women and the aged.... Special attention needs to be given to health and sanitation needs and other basic relief items. There is a particularly urgent cash requirement for food."

British Prime Minister John Major immediately pledged more than $36 million in relief for the Kurds and sent a message to President Bush urging him to join in a "massive international effort" to aid Iraqi refugees.

Stung by growing international and domestic criticism that the United States was doing little or nothing to aid the newest wave of refugees from Iraqi aggression, on April 5, President Bush authorized a drawdown of $10 million from the Emergency Refugee Migration and Assistance (ERMA) fund, ordered U.S. Air Force transport planes to begin dropping relief supplies to refugees along the Turkish border, and sent Secretary of State James Baker to Turkey to assess the situation.

By April 11, the UN High Commissioner for Refugees (UNHCR) estimated that Iraqi refugees in or near Iran and Turkey numbered at least 1.5 million. The UN launched another emergency appeal, this time for $400 million, to aid both refugees and displaced persons. But as the international relief effort struggled into gear, it became increasingly clear that help would reach too many people too late. "This is a worst-case refugee disaster," said Lionel Rosenblatt, executive director of Refugees International, who visited several of the Turkish camps in early April. "The refugees are caught in a cross-fire of rain and snow, lack of shelter, and shortage of food, which are interacting brutally and swiftly to cut them down. Death rates are soaring and will spiral much higher."

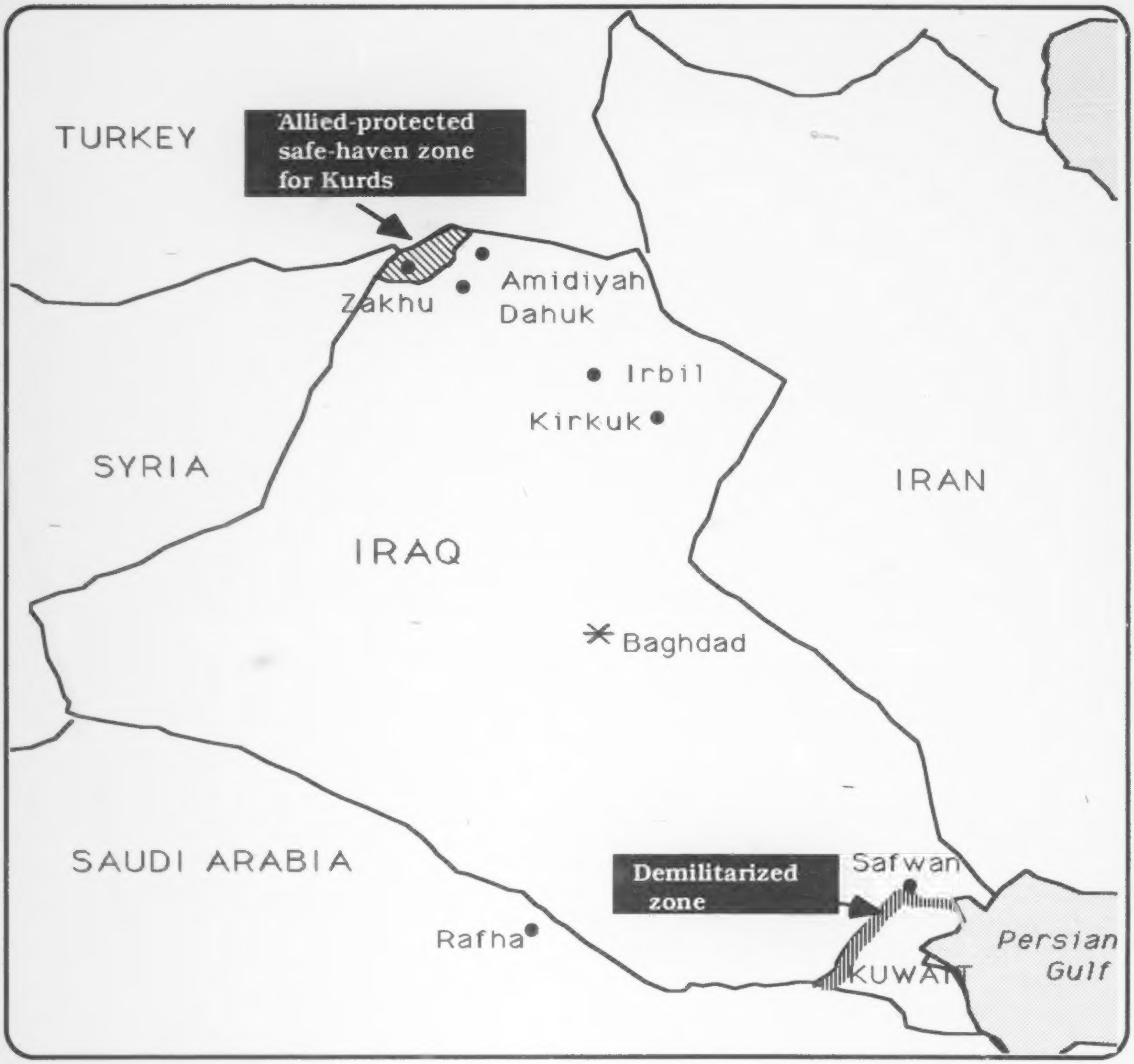
At Cukurca camp, which Baker had visited on April 8, the population had swelled to 150,000 and new arrivals were pouring in, Rosenblatt said. Twenty percent of the refugees lacked shelter of any kind, food drops were intermittent and inadequate, diarrhea was rampant and cholera threatened, there were virtually no medicines, and firewood was depleted. "Under these conditions, a population that arrived healthy is fast moving toward destruction. In the classic refugee emergency, people arrive in bad shape and are restored. Here we are watching strong people go under once they reach safety. The Valleys of Sorrow are becoming Valleys of Death."

Operation Provide Comfort Expands to Operation Haven On April 12, the United States announced it was doubling the deployment of U.S. troops involved in the relief effort on the Turkish border. Operation Provide Comfort set as its principal objective the care and feeding of 700,000 people for 30 days. The Turkish government announced that it would permit about 40,000 Kurds and other Iraqi refugees to move down from the mountains to a more accessible camp near the town of Silopi, with priority going to children, women, the elderly, and the ill.

But as the death toll climbed, so did international pressure to bring all the refugees down from the mountains, even if the closest level ground was inside Iraq. On April 15, in a fundamental change of approach, President Bush announced that U.S. troops would go into northern Iraq to establish a protected enclave for the temporary resettlement of refugees and displaced persons.

"Some might argue that this is an intervention into the internal affairs of Iraq," Bush said, "but I think the humanitarian concern, the refugee concern, is so overwhelming that there will be a lot of understanding about this."

Although the idea had been pushed for weeks by, among others, the British, French, and Turkish governments, Bush initially had resisted. "I do not want to see United States forces sucked


TURKEY
Allied-protected safe-haven zone for Kurds
Amidiyah
Zakhu
Dahuk
Irbil
Kirkuk
SYRIA
IRAN
IRAQ
Baghdad
SAUDI ARABIA
Demilitarized zone
Safwan
Rafha
Persian Gulf
KUWAIT

into a civil war in Iraq," he had said. What changed his mind? State Department officials say pressure came from a number of sources: key European allies and Turkey, Baker, Congress, the media, and the obvious suffering of the refugees.

In commiting an estimated 10,000 U.S. troops to Operation Haven--to work alongside about 7,000 troops from various European nations--Bush pledged that the Kurdish camps to be built in northern Iraq would be turned over to the United Nations as soon as possible, but declined to set any dates. "We're not looking for any fight," he told reporters at the White House. "We're going to stay there as long as it takes to be sure these refugees are taken care of and not a minute longer."

The Iraqi government has voiced strong opposition to the safe-haven zone, but has not directly challenged or obstructed the relief effort. UN Secretary General Javier Perez de Cuellar at first declined to offer UN cooperation without Iraq's consent, but now says that the United Nations will assume responsibility for the camps, possibly by early May.

But even as the massive international

relief effort appears to take on new substance and direction, the questions proliferate: Will the Kurds and other refugees come down from the mountains? What can be done to staunch the horrific death rate, which stands at 2,000 per day on the Iran-Iraq border? How long will the soldiers need to stay in Iraq, and can the United Nations provide real protection when they are gone? Will more refugees flee to the demilitarized zone in the south, and will they be offered asylum--either in Iran, Saudi Arabia, or Kuwait--if they do? What commitments should be made by the United States, or any other country, to offer resettlement to Iraqi refugees? There is no doubt that April was the cruelest month for hundreds of thousands of Iraqi refugees and displaced persons. But now, Ahmed Karim and many others like him may be asking, what will May bring?

Situation in Iran May Be Worse Than in Turkey With far less of the international attention paid to its neighbor, Turkey, the Islamic Republic of Iran has rather quietly become host to more refugees--3.8 million Iraqis and Afghans, all told--than any other country on earth. Despite this staggering burden, the Iranian government has kept the border open to Kurds in the north and Shiites in the south, and has spent $60 million of its own money on relief. The Iranian Red Crescent has established 56 camps for 500,000 people in five provinces.

But more than one million Iraqi refugees poured into Iran in April--including hundreds of thousands of Kurds and an estimated 70,000 Shias in the south--more than twice the number in Turkey. Another 500,000 Iraqis are displaced along the Iranian border.

On April 12, the Iranian Interest Section in Washington, DC (the United States and Iran do not have diplomatic relations) issued an urgent appeal for relief supplies, saying that "assistance from the international community has been minimal thus far. Continued negligence in aiding these helpless victims will make us all responsible for the lives of the many who will perish."

International assistance is getting to Iran, though little of it appears to be coming from the United States. The ICRC reported that it is providing 80 tons of relief supplies every day for refugees in Iran, and is establishing camps for an estimated 200,000 people who are currently without adequate shelter. The European Community pledged $190 million, of which $119 million has been dedicated for Iran.

A U.S. relief flight arrived in Iran on Saturday, April 27 carrying 31,000 pounds of blankets and a second flight of medical supplies was being prepared as of the end of April. Otherwise, U.S. contributions to the relief effort in Iran are made through international agencies like UNHCR and ICRC.

Despite the vastly larger number of refugees in Iran, U.S. officials have justified the concentration of U.S. efforts and resources on the Turkish border, citing the proven effectiveness of the Iranian Red Crescent in disaster relief, the more accessible terrain in Iran, and the substantial contributions of Europeans governments. "We do not believe that the conditions in the camps in Iran are worse than in Turkey," said a State Department spokesperson.

That view has been challenged by some relief workers in Iran. UNHCR estimates suggest that the death toll of Iraqis in Iran or along the border may be as high as 2,000 per day. Dr. David Reed, a surgeon and public health expert volunteering with the private relief group Americares, warned of lethal epidemics unless sanitation was quickly improved. "There's no question that it's coming," he told The New York Times, "Typhoid, cholera, and God help them if it's hepatitis."

Bill Frelick of the U.S. Committee for Refugees (USCR) visited refugee camps all along the Iranian border. "I don't know how this compares to Turkey," he said, "but I saw tremendous problems with dysentery, diarrhea, poor water quality, and bad sanitation. There have been some confirmed cases of plague. Iran has been absolutely overwhelmed by the sheer numbers, and the Red Crescent has been doing a remarkable job. But there are a lot of people getting little or no help."

Situation in Turkey is Still Desperate There were more than 480,000 Iraqi refugees in 19 camps inside Turkey at the end of April, according to State Department figures. Most of the camps are clustered in the vicinity of the towns of Silopi and Cukurca. An estimated 2,500 to 3,000

An elderly Kurdish woman faints while waiting in a bread line in the Turkish village of Cukurca near a refugee camp on the Iraqi border. *Photo Credit: AP*

people per day are being moved out of the mountainside encampment of Isikveren, which at one time held 150,000 refugees, down to more accessible sites in low-lying areas. Thousands more are reported to be moving back to the safe haven zone in northern Iraq.

Although the death toll is believed to have dropped from about 1,000 per day to 300 per day, bad weather and nightmarish logistical problems continued to plague the relief effort in Turkey, and generated growing concern about deteriorating health conditions.

In Yekmal camp, "All of the babies under six months have diarrhea. I'd estimate 70 percent will die," Dr. Mariana Photaki of Medecin du Monde told The New York Times. Yekmal, home to more than 70,000 people at the end of April, is considered one of the more accessible and better supplied locations in the country, but "These people still don't have basic hygiene," Photaki said. "The diseases are recycling."

An outbreak of cholera was confirmed in Cukurca, according to Ronald Waldman, an epidemiologist from the Centers for Disease Control in Atlanta. "If you don't treat them, 40 to 50 percent of cholera cases will die," Waldman said. Measles, meningitis, hepatitis, and respiratory diseases also posed major health threats, especially to children, he said.

Safe-Haven Zone in Northern Iraq is Expanding In the final days of April, the trickle of Kurdish refugees coming down from the mountains turned into a steady stream. Perhaps it was the peace agreement reached between Saddam Hussein and the leaders of four major Kurdish organizations. Perhaps it was the dismantling of the check points erected by the Kurdish resistance to exact payments from those trying to return to Iraq. Perhaps it was the reassuring presence of U.S. and allied troops in the new tent city outside the Iraqi town of Zahku. But UN estimates as of April 30 suggested that 3,000 people per day were returning from Turkey, and 8,000 per day from Iran.

Lieut. Gen. John Shalikashvili, who commands an allied force numbering about 15,000 in southern Turkey and northern Iraq, said that the safe-haven zone would be expanded east to the town of Amadiya and south to Dohuk. But since most of the returnees seemed intent on going back to their own houses rather than staying in temporary encampments, only two camps--in Zakhu and Amadiya, each projected to house about 25,000 people--are likely to be needed in the protected area, rather than the six that were originally estimated.

On April 18, Prince Sadruddin Aga Khan, executive delegate of the UN Secretary-General for humanitarian assistance related to Iraq, signed a memorandum of understanding with the Iraqi government to establish the first UN humanitarian center in Zakhu. Less than two weeks later, on April 30, a United Nations relief convoy arrived from Baghdad, and the UN flag was planted only a few hundred yards from the camp constructed by the United States and the coalition forces.

But despite a prevailing mood of optimism about the safe-haven zone, questions remained about how long the allied forces would need to remain in Iraq, and how adequate UN protection would be for the Kurds in the long run.

Saudi Arabia and Iran Offer Asylum to Refugees in the Southern Zone As the Shiite Muslim revolt began to collapse in late March, thousands of refugees streamed south into Iraqi territory held by occupying U.S. troops. Along with the refugees came army deserters desperate to surrender. Iraqi soldiers, or pretenders who managed to persuade the Americans that they were soldiers, were permitted to enter prisoner-of-war camps in Saudi Arabia, where they had an opportunity to seek asylum.

But, in what must have seemed a cruel irony both to the refugees and the G.I.s who were required to enforce the policy, innocent civilians and noncombatants were turned away from U.S. checkpoints on the Kuwaiti border. Their next best option was to find their way to a makeshift refugee camp in the Iraqi border town of Safwan.

By April 19, the population in Safwan camp, which was assisted by the U.S. military, was estimated at 15,000. A total of perhaps 30,000 refugees were spread out along the Iraq-Kuwait border, most of them inside a nine-mile wide demilitarized zone created by the UN permanent ceasefire agreement. But as the U.S. forces began to withdraw from Iraq and turn over responsibility for the DMZ to lightly armed UN troops and unarmed observers, many of the refugees expressed fear that they would not be protected from reprisals at the hands of Iraqi police and security forces. "In the eyes of Saddam, we are traitors," one man told The Washington Post.

Kuwaiti officials refused to let any of the refugees leave the demilitarized zone, and Austrian Gen. Gunther Greindl, head of the UN mission in the demilitarized zone, said, "It is not my responsibility" to protect the refugees.

Relief for many of the refugees came in form of Iranian and Saudi offers of asylum. Iran committed to resettle about 1,900 Iraqi refugees of Iranian descent.

On April 24, Saudi Arabia--which is already caring for 14,000 Iraqi prisoners of war--announced that it would be spending $30 million to expand a refugee camp near the town of Rafha to house as many as 50,000 Iraqi refugees. Kuwait has made no commitment to accept any of the refugees.

Prospects for Resettlement and Asylum are Limited When Secretary Baker was in Cukurca refugee camp in Turkey, he was approached by a young Kurdish man, Sam Timathwes, who recounted the suffering of the Iraqi refugees--hunger, starvation, inadequate water supply, and the lack of food and medicines. Timathwes added, "Some people don't want to stay here. They want to go abroad. This is the main point for some people here." Baker asked him where the refugees wanted to go. "Anywhere in the world," said Timathwes. Then he corrected himself. "They don't want to go to Iraq because they lost everything there--their homes, their village...everything they got."

It appears, however, that returning to Iraq ultimately may be the only real option available to the vast majority of Iraqi refugees. Turkey is actively promoting repatriation to the safe-haven zone in the north and is unlikely to offer long-term asylum to substantial numbers of Kurds. More than 28,000 Kurds still remain in Turkey out of a group of 60,000 who fled there in 1988, following poison gas attacks on their villages by the Iraqi army.

"No one would disagree that a safe return home is the best solution for the Kurds and other Iraqi refugees," Rosenblatt told Refugee Reports. "But we must all be vigilant in preventing forced repatriation and in preserving freedom of choice for people. Those who wish to seek asylum outside Iraq must be given that opportunity."

If the prospects for anything more than temporary asylum in the region seem limited, resettlement elsewhere in the world is even more so. Before the Iraqi exodus, the United States had planned to resettle in FY 91 about 3,000 Kurdish refugees who had been living in Turkey since 1988. "Right now, our first priority is to provide assistance and to save the lives of the refugees who are fleeing," a State Department official told Refugee Reports. "After that we will look at the processing of the Kurds."

Dawn Calabia, director of refugee services for the U.S. Catholic Conference, Migration and Refugee Services, said that the United States should also consider "whether or not resettlement should be offered to at least some of the latest influx who have close ties to the U.S. or immediate relatives in our country, or who are at greatest risk."

"Once the situation in the area is stabilized," the State Department official said, "then in conjunction with UNHCR and other governments, we will determine what need, if any, exists for an international resettlement effort for those who cannot return to their homes or remain in the region. Until then, we will look on a case-by-case basis, and try to move people as quickly as we can."

Cost of Relief Could Exceed $1 Billion This Year In April 15 testimony before the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, Ambassador Princeton Lyman, director of the State Department's Bureau for Refugee Programs, noted that there have been three phases in the movement of refugees and displaced persons since the Iraqi invasion of Kuwait on August 2 of last year. The first phase, which lasted from August 1990 until the war began on January 17, saw the exodus of more than one million foreign workers from Iraq and Kuwait. The international community generated nearly $300 million for their temporary transit in Jordan, Turkey, Syria, and Iran, and for their eventual repatriation.

During the second phase, which lasted from January to February, UN and ICRC appeals based on an estimated flow of 400,000 refugees generated $136 million in international contributions, although only 65,000 people left Iraq and Kuwait while the war went on.

"Thus even before the third, current crisis occurred, over $400 million had been spent on refugees and displaced in this region," Lyman said. "Now, facing this overwhelming new wave of humanity, we are only beginning to grasp its requirements. New UN and Red Cross/Red Crescent appeals have been issued for $700 million, and these cover in most cases no more than three months. The costs will surely rise dramatically by year's end."

As of April 30, the United States had spent $188 million, primarily on emergency relief in the Turkish border area. This included $140 million in Department of Defense drawdowns, $13 million in Food for Peace allocations, $12 million in Office of Foreign Disaster Assistance (OFDA) funds, and $23 million in drawdowns from the Emergency Migration and Refugee Assistance (ERMA) fund.

The House Foreign Affairs Committee has authorized additional emergency relief expenditures of up to $400 million. The Administration has submitted a budget supplemental request for $150.5 million.

Within the combined UN and Red Cross appeal issued on April 9, UNHCR appealed for $238.5 million. By the end of the month, only $94.4 million had been pledged, of which "every cent has been spent or committed," according to a UNHCR press release, "usually before the ink was dry on the check, on a massive airlift of food, medicine, and shelter to the region."

"There has been criticism over the slow and seemingly confused reaction to the human tragedy unfolding in Iran and Turkey," said the UNHCR statement, which then quoted new High Commissioner Sadako Ogata: "No one has been a louder critic than I. But the reality of the situation must be publicly addressed. UNHCR is not able to mount massive relief operations on credit. At a time when governments are urging the United Nations to take over and coordinate an emergency aid program of such dimensions, it is vital that adequate resources be put at our disposal."

"Much more money is needed for Iraqi refugees and displaced persons," said USCR director Roger Winter, "and Congress and the Administration should cooperate to see that this happens quickly. The ERMA fund is down to only $6 million and there are still five months left in the fiscal year."

"It is imperative, too, that funding is adequate for refugee assistance throughout the world. There are 18.3 million refugees in the world today, and massive humanitarian disasters and displacements confront us in Sudan, Somalia, Ethiopia, and Liberia. We must be able to respond to these crises as well."

UPDATES

° Between 10,000 and 15,000 Cambodians are stranded in malaria-infested jungles along the Thai-Cambodian border and are being prevented by the Khmer Rouge and Thai authorities from entering a UN-assisted refugee camp inside Thailand, a relief worker told The Washington Post. The Cambodians fled their villages in a Khmer Rouge "liberated zone" when they were strafed by Cambodian government helicopters.

About 1,250 people have managed to evade Khmer Rouge soldiers and Thai officials to enter Site K, which is controlled by the Khmer Rouge but aided by the UN Border Relief Operation (UNBRO). "The people who have just arrived paint a pretty grim picture," the aid worker said. "All the people I've interviewed mention the helicopter gunships and the shelling. They all mention having seen many casualties in many different villages."

The population of Cambodian refugees and displaced persons in Thailand had fallen to 250,000 in late 1989, but has since climbed to 333,400, which UNBRO officials say is a record number. In addition, fighting between four rival Cambodian factions has displaced more than 200,000 Cambodians inside their country.

° On April 26, Thai authorities removed 140 Burmese--including 41 former university students who were holding "letters of concern" from the UN High Commissioner for Refugees (UNHCR)--from Bangkok's immigration detention center, bused them to the southern port of Ranong, then, under police and army escort, put them on two boats headed for the Burmese town of Kawthaung, a relief worker in Thailand told the Associated Press. More than 30 students jumped overboard to escape, including one who had stabbed himself with a knife before diving into the sea. Two students who remained on board were arrested in Kawthaung, also known as Victoria Point, and another two students were missing, the relief worker said.

Of the 37 people who returned to Ranong, 21 were rearrested by Thai authorities and 16 were thought to be somewhere in Thailand. Burmese refugees in Thailand number about 50,000, most of whom are ethnic minority groups--Karen, Mon, Pa-O, and others--living along the Thai-Burmese border. About 2,000 Burmese students fled into Thailand when the Burmese army crushed pro-democracy demonstrations in September 1988, killing several thousand people and imprisoning thousands more.

° On April 25, a senior State Department official announced that the United States would be sending $1 million to Vietnam for the purchase of artificial limbs, the first humanitarian aid given by the United States to Hanoi since the end of the Vietnam War in 1975. The previous week, special U.S. emissary to Hanoi, Gen. John

(Continued on page 12)

U.S. House and Senate Committees Dealing with Refugee-Related Issues

SENATE COMMITTEES–102ND CONGRESS

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Where Are My Sons? *Inside a refugee tent in Bahramabad, Kordestan Province in Iran, Talia Amin Hassan, age 40, tells of the destruction of her village, Khidrikhan, on April 12, 1988, a month after the chemical attack on Halabja. Before destroying the village, soldiers abducted all of its young men. Three of her sons, Fatah Mohammad Khusroo, Latif Mohammad Khusroo, and Nuri Mohammad Khusroo, were captured. A fourth, Hassan Mohammad Khusroo, escaped, but returned on March 24, 1988 in response to an amnesty declared by Saddam Hussein. He was then arrested and never seen again. Talia Amin Hassan has heard nothing about any of her four sons since they were disappeared in 1988. In the exodus of 1991, she fled from the town of Qadir Karam, where she had been living since 1988.* *USCR/B. Frelick*

Recent Developments

KURDISH REPATRIATION BEGINS

Although almost all of the Kurdish refugees who had been clinging to the sides of mountains on the Iraqi border with Turkey have now moved down from the mountains, their future is still uncertain; at the same time, the majority of the Kurdish refugee population remains in Iran, where conditions continue to be precarious.

On May 20, the Senate Subcommittee on Immigration and Refugee Affairs, chaired by Sen. Edward M. Kennedy (D-Mass.), held a hearing to assess the refugee situation in the Persian Gulf.

Kennedy opened the hearing by calling the U.S.-led relief effort on the Turkish border "a brilliant success." He said that private agencies, no matter how good they are, could not have done the job that the U.S. military performed.

"By making it a military operation," said Kennedy, "thousands of lives were saved." He added, "The only regret is that so many lives were lost while we delayed the beginning of the mission."

Vessey, and Vietnamese Foreign Minister Nguyen Co Thach had announced the establishment of a temporary U.S. office in Hanoi to handle POW and MIA inquiries. Richard H. Solomon, assistant secretary of state for East Asia, said that the office "should not be seen as a first step" toward normalization of relations between the two countries.

° On March 27, the U.S. Attorney General designated nationals of Kuwait, Liberia, and Lebanon for temporary protected status (TPS). All three nationalities will be protected from deportation until March 26, 1992 and may be granted work authorization for that period. Nationals of the three designated countries may apply for TPS at any point during the year.

Attorney General Dick Thornburgh estimated that the designations would affect no more than 14,000 Liberians, 10,000 Kuwaitis, and 27,000 Lebanese currently residing in the United States.

Concerns had been raised earlier whether Palestinians who had been long-time residents of Kuwait or Lebanon would be included in the TPS designation (see Refugee Reports, Vol. XII, No 2). Although the INS central office has not issued instructions to field offices on this question, an INS source suggested that Palestinians would be considered for extended voluntary departure on a case-by-case basis.

° As of April 12, no more Afghans will be registered for the U.S. refugee resettlement program unless they are found to be in immediate danger of loss of life or other compelling circumstances (Priority One). Until that time, Afghans had been processed under admissions categories P-1 to P-4, which include persons with close relatives and other ties to the United States.

The 4,700 Afghans currently in the refugee processing pipeline will not be affected by the change. All but 400 of that number are in Pakistan. Through the end of February, 733 Afghans had been admitted as refugees to the United States in FY 91. Iranians represented 997 admissions and Iraqis 262 during the same period of time. The limit to P-1 processing applies only to Afghans; Iranians and Iraqis will continue to be processed according to Priorities 1 through 4.

A State Department spokesman said, "The growth in the number of applicants who had been residents of Kabul and had worked for that regime and the number of family reunification cases who could come as immigrants showed recent applicants to have less credibility for refugee status than earlier applicants."

° Against a backdrop of a dramatic exodus of Albanian asylum seekers, and increased political tensions in Albania as the approach of elections scheduled for March 31 neared, the United States, on January 9, limited Priority 6 admissions of Albanians to the United States to those persons with family or educational connections.

In addition to the P-1 to P-5 admissions categories (see Refugee Reports, Vol. IX, No. 12), which remain in effect, Albanian P-6 admissions will now be limited to first cousins, nieces, nephews, uncles, aunts, or to persons who have had a substantial portion of their education in the United States.

Albanian sources in the United States estimate that some 80,000 to 100,000 Albanians have left their home country, most in the past few months. As of March 21, some 22,600 Albanian asylum seekers had been registered in Italy and 11,645 in Greece, according to the UN High Commissioner for Refugees (UNHCR). The total population of Albanians in these two countries, however, is estimated by Albanian sources at 20,000 and 25,000 respectively. Another 9,000 Albanians are estimated to be living in Yugoslavia, of whom 1,252 are known to UNHCR as having registered for asylum.

° U.S. Coast Guard authorities interdicted three boats carrying 455 Haitians during a three-day period in April, according to the Washington Post. The group is the largest so far this year--accounting for half of the total interdicted since January.

The same week, the Coast Guard picked up 12 Cubans. In April, more than 400 Cubans were rescued at sea and brought to the United States.

Cheryl Little, director of Miami's Haitian Refugee Center, told the Post: "What's distressing to me is that the Cubans are welcomed as heroes, and we can't seem to get the Haitians back fast enough. I don't think anybody is suggesting at this point that the situation for Cubans in their home country is any different from the Haitians."

FEATURE

The National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans (NAFEA) recently held its 12th annual conference on Indochinese education and social services in St. Petersburg, Florida. The theme of the conference was Agenda for the Nineties: Participation, Progress, Pluralism. Refugee Reports asked seven members of the NAFEA Executive Board to share some of their thoughts on the organization and on community needs and issues heading into a new decade.

Refugee Reports: First of all, what is NAFEA? What is its structure, what are its goals, and where do you see it heading in the nineties?

Ngoan Le: Let me fix on the facts first and then we can touch on the dreams a bit later. NAFEA is made up of a board of nine individuals representing themselves and also the fields that they are expert in, or are trying to be experts in; and the mission that these individuals have as a group is to find ways to link with one another and with our 300 dues-paying members, to exchange information and exchange knowledge and skills so that each can serve their own constituents better.

NAFEA has two main activities to facilitate that kind of exchange: the annual conference, which is held in various locations around the country, and our newsletter, which we try to produce when we can. The real fact is that we are all volunteers.

Khamchong Luangpraseut: Speaking as a past president, I want to say that the future has something to do with the past. When NAFEA started out it was NAVAE [the National Association for Vietnamese Educators]. To me, it's very impressive that my Vietnamese colleagues who started this were flexible enough, insightful enough, to absorb other people and package them together.

Vu Duc Vuong: It is a growing organization, adapting to the community. It started out as group of people who deal with education and then it expanded into social services, and it expanded from Vietnamese to Southeast Asians in the last few years. If you look into the future, my ideal for NAFEA is to be a unifying kind of vehicle so that different interests, different community groups, can have a forum to bring issues out in the open, discuss them together, and maybe reach consensus.

NAFEA is serving a transition role that I see the communities going through from the old society, the old customs, and the old way of doing business into what in ten years will be an organization completely run by young people who are trained, schooled, probably born in this country. If we can serve just that role I think we are successful.

Thida Khus: I joined this organization hoping that this is one forum where the three communities can come together and discuss individual issues. Isolation is so prevalent among the Cambodian community. We have a big job ahead of us. I'm trying to work with Cambodians to get them to work through the isolation, to feel a lot more confidence about themselves as a community, and then to bring them out and participate in activities with the other communities. It's a big challenge, and I'm hoping that NAFEA will be someplace where we can come together and share that.

The Asian-American population is becoming larger, and I also hope this organization will play an instrumental role in working with other Asian groups in making our voice heard a little bit better.

Refugee Reports: What are the preoccupying issues for the community? What's the mood right now? Case in point: Cambodian resettlement is essentially over. Laotian resettlement is coming to an end. Vietnamese resettlement has become virtually an immigration program and special groups--reeducation camp prisoners and Amerasians. This community was built on refugee resettlement and was founded on certain patterns of migration, certain packages of benefits. All of that seem to be changing. And the situation in Southeast Asia is by no means settled. There are fundamental questions facing all three countries. So taking all of those issues, how do you see the community responding?

Ngoan Le: The community I see right now is one that is truly going through major transformation. Many people came here as boat people, or people who crossed borders, who swam across the Mekong River totally traumatized. Now we have people who have lived in a socialistic regime and are coming here with different attitudes.

It's a very complex community now, and it is still looking for some sense of identity and direction. In this kind of setting, the leadership is very important to set the tone, to listen to the kind of questions people ask: do we integrate or do we segregate? Should we concern ourselves more with the homeland issues or should we become more concerned with how we get ourselves Americanized as quickly as possible?

I think the reality is that most of the leaders right now were leaders once in their home countries. Because they are still running the show, the tone of the community is still very much homeland-oriented, but eventually as you see younger people getting more involved, the agenda and the direction of the community will be different.

Vu Duc Vuong: The premise of your question is that this organization and this community were based on the fact that we came here as refugees, and refugees in the next few years will become a thing of the past, will become immigrants. That is a sign of a living community and a living organization. We built from the basis of refugee, and we will build from the basis of immigrant just as well. In the future, even if there is no immigration into the country, we will build from the basis of Americans of Southeast Asian descent. The community is always evolving.

We have the potential and the responsibility to deal with the countries back home in Southeast Asia; we do have an obligation to help rebuild that part of the world that we left to come here. Ten years from now, it should be common practice to have exchange programs between Laos, Cambodia, Vietnam, the U.S. and so on. The agenda is basically unlimited.

Thida Khus: Our situation is very different compared to the Laotian and Vietnamese communities, because of the war in Cambodia. A lot of Cambodians, even though they are living here, still feel that they are over there. The priority is always what's going on back in Cambodia or along the border. This is why we have so much difficulty in getting leadership. The majority of the leadership of the Cambodian community concentrate most of their energies on the political struggle that is going on in Cambodia, while we have a massive population who are in need here. The majority of Cambodians coming to the U.S. are farmers. There is a big challenge to build up the community so it can communicate what it needs.

Cambodians in America are becoming a subculture, left by themselves, and it's pretty frightening to me. My priority is to work to bring in the political leaders to start paying a lot more attention to the community here. At that time, maybe they will be ready to work with other communities.

Tou Meksavanh: I've been concerned a lot about our youth, their future, and their education. When I work with Lao students, there are so many who are talented, who have no learning disabilities, but who seem to be lacking motivation, not taking responsibility for themselves. I am worried about the inclination toward gangs. There are a lot of good kids and successful ones, but there are also those who are on that trend, and I think that parents are concerned and have found that there is little in terms of solutions to address those concerns.

Judy Lewis: From an outsider's point of view, I see the community's concerns are certainly with group identification: Who are we? How do we identify ourselves? But I can't speak to that. What I can speak to is the fact that an overwhelming concern is "the gap." The generation gap. Just like it is for me and my kids. And I'm sure it was for my mother and my generation.

Added to that is the language gap and the different rates of acculturation. But different groups aren't necessarily just linguistically different or culturally different; they can also be different in terms of socio-economic background or exposure to certain things. This creates differences in the way you see the world, the way you operate, the way you function.

We [on the NAFEA board] are all western educated. I mean I ride in the van with these folks, and I don't understand what's going on because they are speaking French. They slip into Vietnamese. They slip into Khmer. They can speak French and exclude me totally, and they are kind enough to speak English so I can follow along. But in terms of western style of education, we all have it.

Now there are many refugees here who are rural folks--villagers from any of the three countries; Chinese fishermen who left China and lived on the small islands off the coast of North Vietnam for 2 or 3 or 4 generations; hilltribes from the mountains of Laos--no education, very isolated, very insular. All of the special characteristics that go along with being nonliterate, with being rural, with being a self-sufficient group of people, and the fact that they haven't been in western style education, means that they process information a lot differently.

I think that exacerbates any kind of gap that goes on. That is something that is not quite recognized, but it plays into all the other problems; it plays into why parents don't understand what their teenagers are doing and why teenagers think their parents are foolish and old-fashioned. The kids are western educated. They process information according to rules of logic and cognitive processes that accompany western education. If you are from an oral society, you don't process information in the same way. And as soon as those kids are western educated, they no longer can think in the same way as their parents. And if they can't even speak to their parents in a way that their parents can follow, then it's as though they don't speak the same language. They are not understanding the same reality.

Pam Seubert: I have one thing to add as an outsider, and this is from my perspective as an administrative person in Illinois who looks across refugee populations and what's happening to resources. I think we gave one leg up, if you will, to refugee community-based organizations, because we had the availability of refugee-specific funds. Those resources are going, and they're close to being, in many respects, gone. The diversity of the refugee population and the continuing reduction in domestic allocations are really forcing these communities to have to step back and look at what their community needs the most. And its going to be a terribly tough set of questions and terribly tough set of choices between, for example, supporting the needs of the Indochinese elderly or focusing on youth.

This is both a blessing and a curse. Having a lot of resources available, particularly if they have a lot of restrictions, makes communities develop in a certain way. Not having that dependency, or not having those resources, may force those communities to make different decisions than they might otherwise have made. And those decisions may prove to be the ones that are more sensitive to the community instead of being more sensitive to the funding source.

Khamchong Luangpraseut: I want to be sure that people understand and are sensitive to the complexities of Laotian society in America. Laotians are made of many, many ethnic and linguistic groups, like the Hmong, the Mien, the Lahu, the Lao, the Thai Dam. All of these are Laotians. That is one aspect of diversity that makes us different from Cambodians and Vietnamese. The second is that as a tradition, Laotians have never been organized. So you see here sometimes that we are not together, fragmented. The professional organizing is not there. We have a wide range of people--peasants, intellectuals, different socioeconomic status. So it is important for us as community leaders to think how to solve the problem. I think we can bridge the gap between people. There is no conflict here among us, per se. It is a matter of organization.

Ngoan Le: What I think is very important here is kind of a self-identity quest. When we were in Vietnam, Laos, or Cambodia, we knew that we were Vietnamese, Cambodian, or Laotian, and we just took that fact for granted and didn't think about it very much. But now that we are here, the condition has changed, and what the community has not done is to define what it means to be a Vietnamese, or a Cambodian or a Laotian in America, first as individuals and then collectively as a group of people.

We just have to put everything on hold for a second and step back and really take a look at the big picture. Who are we? How many are we? What kinds of education do we have? What kinds of skills do we have? What kinds of problems do we have? Hopefully from that kind of more global view about our community, we can define a more proper agenda for our community. I think it is inevitable that the homeland issues will always be with us because that is the basic nature of being refugees. But to what extent should it take up the energy and the resources of the individual or the community? That has to be reassessed and the sooner we can step back and do this reassessment so that we can leap forward, I think, the better. But we haven't done it yet.

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NAFEA Executive Board

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TPS REGISTRATION DEADLINE NEARS

With only five weeks to go for Salvadorans to register for temporary protected status (TPS)--18-months of protection from deportation with the option to work legally--the Immigration and Naturalization Service (INS) published its final regulation stipulating the registration procedure and the fees involved.

Both of the original sponsors of Salvadoran safe haven legislation, Sen. Dennis DeConcini (D-Ariz.) and Rep. Joe Moakley (D-Mass.), have introduced amendments to the 1990 Immigration Act that would extend the registration period.

"Registration for TPS benefits was intended to be a simple, efficient, one-step process in which Salvadorans receive work authorization and temporary legal status at the time of registration," said DeConcini. "Unfortunately, because of excessive registration fees imposed by the INS, less than 15 percent of the estimated 500,000 eligible Salvadorans have registered for TPS benefits with only six weeks remaining in the registration period."

The identical bills, S. 1071 and H.R. 2332, would extend the registration deadline by four months--until October 31, 1991.

An INS source said, "The Administration hasn't opposed [the Moakley-DeConcini bill], but we're not supporting it either." But he went on to say, "It could cause us problems if we extended the registration period and the numbers [of registrants] didn't increase. Keeping the facilities open would cause a financial overload." Another INS source said, "We believe a four-month extension to be premature."

Will June Be Busting Out All Over? Most Central American service providers anticipate a sharp increase in the number of applicants in the final month of registration. "We began seeing the June surge the week of May 13," said Patrick Young, director of legal services of the Central American Refugee Center (CARECEN) in Long Island. Young said that his office has tracked a 30 percent increase in Salvadoran pre-registrants walking into their offices since the beginning of May, and the numbers are increasing daily.

IN THIS ISSUE:

With one month to go for Salvadorans to register for temporary protected status, the INS introduces a family cap on fees. But is it too little, too late? Bill Frelick examines this question, and looks at hurdles facing the INS's new asylum procedure 1

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NEW ASYLUM OFFICES OFF TO SHAKY START

The ribbons were officially cut on April 2 inaugurating the Immigration and Naturalization Service's (INS) long-awaited new asylum system, but nearly two months into the new regime questions remain about the financial resources to maintain it, how it will handle a growing backlog of cases, and the ability of seven offices to deal with asylum requests nationwide.

The most immediate danger for the 82 members of the newly hired and trained asylum corps is of being overwhelmed by a backlog of cases awaiting adjudication. A backlog of 97,288 cases on October 1, 1990 grew to 114,044 by April 1, 1991, despite a beefed-up contingent of 117 full- and part-time asylum officers during that transition period to the new system.

The asylum corps was intended to adjudicate 65,000 cases per year. This means that it would take about two years to work through the backlog if no new asylum cases were filed. However, 29,191 new cases have already been filed in the first six months of FY 91.

In addition, the settlement of the American Baptist Churches (ABC) v. Thornburgh suit will likely bring tens of thousands of additional cases to the asylum officers, starting January 1, 1992 for Guatemalans and October 1, 1992, at the earliest, for Salvadorans who were registered for temporary protected status (TPS--see lead story). Under the ABC settlement, the INS agreed to rehear or hear for the first time asylum claims from Guatemalans present in the United States as of October 1, 1990 and of Salvadorans present in the United States as of September 19, 1990 (see Refugee Reports, Vol. XII, No. 1). The Los Angeles office will also face another 3,000 cases as a result of the settlement of the Mendez class-action suit. The potential for another 20,000 asylum seekers per year looms on the horizon if Canada proceeds with plans to return asylum seekers to the United States if they crossed the U.S. border to enter Canada.

Penny Pinching Closely linked to the challenge of addressing the backlog is the question of budget. Originally budgeted for $7.2 million, the asylum corps received more than $1 million in cuts before it even got off the ground.

Arthur Helton, director of the Refugee Project of the Lawyers Committee for Human Rights, said, "The relatively limited resources devoted by the U.S. authorities and the current backlog of over 100,000 cases may render the new system unworkable at the outset."

Helton pointed out that Canada spends about $80 million to run its asylum system and that 11 European countries spent the equivalent of $5 billion on asylum adjudication in 1989.

By contrast, the U.S. has allocated a total of $6.14 million for the new system, including not only the seven asylum offices, but also a documentation center intended to apprise them of human rights conditions in asylum seekers' countries of origin.

"Batching" and Circuit Riding With only seven locations nationwide, concern has been raised about how the asylum officers will handle asylum requests from other parts of the country (see Refugee Reports, Vol. XII, No. 1).

Early on, the INS had suggested that applicants within a 300-mile radius of each asylum office--Los Angeles/San Diego; San Francisco; Chicago; Newark; Arlington, Va.; Miami; and Houston--would be expected to travel to the closest office for their interview. Outside the 300-mile radius, the INS had said that it would "circuit ride" to conduct interviews in more remote locations. Private groups quickly pointed out that such a policy would greatly inconvenience applicants (and service agencies) in cities such as Boston and Philadelphia that have no asylum office of their own but are within the 300-mile radius of another office (in their case, Newark, New Jersey).

In a May 17 letter to Christine Gaffney, the associate director of the American Council for Nationalities Service (ACNS), John W. Cummings, the acting associate commissioner for Refugees, Asylum, and Parole, wrote that "INS Asylum Officers will circuit ride to all existing INS District Offices (except New York City and Baltimore)," including Boston and Philadelphia. He said that a notice to this effect would soon be published in the Federal Register.

Gaffney had suggested that the INS permit voluntary agencies to "batch" cases to minimize the number of time-consuming trips to asylum offices. She pointed to the success of batching of cases during the legalization period of the Immigration Reform and Control Act and for Salvadorans registering for TPS.

Cummings suggested that proposals for batching cases should be addressed to specific asylum offices. He said, "We are studying the feasibility of 'batching' asylum cases for voluntary agencies in areas that are long distances from the nearest asylum adjudication city."

Lawyers Committee Petitions for Regulations on Asylum Criteria A week after the new system started, the Lawyers Committee submitted a formal petition to the INS calling for regulations to be issued to establish uniform criteria for refugee status determination.

Helton said, "Only a formally adopted rule, comprehensively setting forth eligibility criteria, can address the problems of inconsistency and unfairness in refugee status determination."

The 24-page petition states, "The principal problem of refugee and asylum adjudications is the interpretation of the substantive elements of the law, primarily because these elements are only briefly set forth in the [Refugee] Act's definition of 'refugee'.... This body of law and practice can be, and ought to be, consolidated in the form of a single coherent regulation that can be applied universally."

The petition takes key phrases from the statute, such as "persecution", "well-founded fear," or "social group," and cites precedents in domestic and international law that should guide an adjudicator.

ASYLUM CLAIMS IN FY 90
BY INS DISTRICT OFFICES

DISTRICT	RECEIPTS FY 1990	% OF TOTAL RECEIPTS
EASTERN REGION		
Baltimore	4,174	5.67%
Boston	751	1.02%
Buffalo	162	0.22%
Newark	1,099	1.49%
New York	2,810	3.82%
Philadelphia	782	1.06%
Portland, ME	29	0.04%
San Juan	74	0.10%
Washington	3,349	4.55%
SOUTHERN REGION		
Atlanta	742	1.01%
Dallas	353	0.48%
El Paso	90	0.12%
Harlingen	244	0.33%
Houston	266	0.36%
Miami	21,533	29.25%
New Orleans	265	0.36%
San Antonio	106	0.14%
NORTHERN REGION		
Anchorage	67	0.09%
Chicago	1,033	1.40%
Cleveland	250	0.34%
Denver	127	0.17%
Detroit	991	1.35%
Kansas City	94	0.13%
Omaha	41	0.06%
Portland, OR	153	0.21%
St. Paul	241	0.33%
Seattle	104	0.14%
WESTERN REGION		
Honolulu	27	0.04%
Los Angeles	27,056	36.75%
Phoenix	645	0.88%
San Diego	1,009	1.37%
San Francisco	4,954	6.73%
TOTAL FY 90	73,621	100.00%

Source: Immigration and Naturalization Service.

(Continued from page 1)

Although seeing "a noticeable increase in the number of applicants starting at the end of April," Eric Udell, CARECEN's TPS coordinator in Houston, Texas, observed, "There are plenty of people out there waiting until the last minute." However, the major obstacles to registration still have not been overcome. He lists "fear and suspicion based on the reputation of the INS in the Salvadoran community" and the "formidable price of $135 for a person who wants to work" as factors continuing to keep people away.

Despite projections and predictions of a surge by community groups, the numbers recorded by the INS Central Office suggest that relatively modest numbers have come forward thus far. As of May 24, the total number of applicants for Salvadoran TPS was 71,818. This is well below the INS's own projection of 150,000 applicants, or of private estimates that as many as 500,000 applicants could be eligible nationwide.

INS statistics show that the majority of applicants are still registering in the INS's Eastern Region (39,824) despite the widely held view that far more Salvadorans live in the Western Region, particularly in the Los Angeles area. Thus far, only 17,562 have applied in the West. A total of 12,922 have registered in the Southern Region and 1,510 in the North.

An INS source agreed with the assessment of private groups that "applicants have definitely increased in the past few weeks." She added, "We anticipate that the majority will come in at the end of the registration period." Another INS source said that a surge in June can be anticipated based on what happened in the final month of the legalization application period under the 1986 Immigration Reform and Control Act. He said that INS offices would remain open until midnight on the last weekend of June.

Final Regulations Introduce Family Cap on TPS Registration Fees The major change brought about by the May 22 final regulations was the introduction of a family cap so that only the first three members of a family would each have to pay the $75 TPS registration fee.

After the third family member, additional family members will now register without paying the TPS fee. Therefore, the maximum amount a family may be charged for TPS itself is now $225. However, each family member who intends to work is still required to pay a $60 work authorization fee every six months for the duration of TPS protection.

In a lengthy supplementary preamble to the final rule, the INS noted that more than 1,000 comments were received in response to the interim rule that was published on January 7. "Almost all of the commenters stated that the fees to be charged by the program should be reduced and that a 'family cap' should be instituted so that the cost of the program is not prohibitive for large families. Additionally, commenters requested that no fee be charged for re-registration."

The INS decided to maintain the initial filing fee of $75 for Salvadorans, but to drop the re-registration fee and institute the family cap. Up until this change, a Salvadoran family of four would have paid $1,520 for 18-months of TPS protection and work authorization.

But some continue to view the changes skeptically. "The final regulations didn't help anyone as far as we can tell," said CARECEN's Young. "The problem is not: Dad and Mom can pay, but the kids can't. The problem is: Dad can barely pay himself. And he's not legally married to Mom."

Young said that 90 percent of the applicants in New York are adult males, although females comprise an estimated 40 percent of the local Salvadoran population. He expressed doubt that the regulatory changes would result in more families registering, and that women and children would remain unprotected.

Fee Waivers for Indigent Applicants Another of the principal sticking points on TPS registration has been over the willingness of INS district directors to waive the fees based on the inability of indigent applicants to pay. The final rule noted that commenters on the interim rule had "complained that the waiver of fees for applications has not been uniformly applied by District Offices."

The supplementary note to the rule states that the INS "will consider all requests to waive fees and will act favorably when an applicant meets the regulatory requirements." Those requirements are the federal poverty guidelines.

On June 2, a federal judge in Sacramento ordered the INS to "promptly reconsider all denials of fee waiver applications" for Salvadorans who applied in the San Francisco INS district. Judge David F. Levi also enjoined the INS from denying fee waivers to Salvadorans in the San Francisco district who can show they have an income level below the federal poverty guidelines.

An INS source said that the injunction conforms with the standard for waivers set by the regulations, but could not say how previously denied cases would be handled.

Robert Rubin, managing attorney for the National Refugee Rights Project of the San Francisco Lawyers' Committee for Urban Affairs, who filed the class action suit that brought about Judge Levi's order, told Refugee Reports, "The final regulations look fine on paper, but we are more concerned about local practices where arbitrary decision-making is taking place." Rubin said that Salvadorans earning as little as $50 a month have been denied waivers in Los Angeles.

Udell, of Houston's CARECEN office, said the major problem he has seen with waivers has not been denials per se, but rather long delays and INS requests for further documentation, such as tax forms and check stubs from employers, "that these people don't have."

Rubin also noted the implications of the ruling for extending the TPS registration period. "A federal court has determined that the INS has unlawfully denied TPS for 5 months of a 6 month program," he said. "If Congress intended allowing Salvadorans to register for 6 months, Congress needs to extend the registration period."

Liberians, Kuwaitis, and Lebanese Attorney General Dick Thornburgh added three more nationalities to the TPS list on March 27--Liberians, Lebanese, and Kuwaitis (see Refugee Reports, Vol. XII, Nos. 2 and 3). A total of 74 Kuwaitis, 927 Liberians, and 2,490 Lebanese had applied for the program, as of May 24, according to the INS.

The policy regarding whether long-time Palestinian residents of Kuwait and Lebanon would be protected by TPS is "still pending," according to the INS. Albert Mokhiber, director of legal services for the American-Arab Anti-Discrimination Committee, who met recently with Deputy Attorney General Rex Ford on this issue, told Refugee Reports, "We think a positive decision will be forthcoming soon." Ford declined to comment.

A distinction is made in the Immigration Act--which carries over into the regulations--between "generic" TPS now enjoyed by these three nationalities and the specific mandate of TPS for Salvadorans. Although Congress stipulated a "reasonable fee" for Salvadoran TPS, the law caps the generic registration fee at $50.

Rubin asked, "Is it 'reasonable' to charge a Salvadoran five times more than a Kuwaiti?"

UPDATE

° On May 20, the Supreme Soviet passed a law that will give Soviet citizens the right to travel and live abroad. The bill, which passed by a vote of 320 to 37 with 32 abstentions, is not due to be implemented until January 1, 1993. At that point, exit visas will no longer be required for those wishing to leave. The Law on Entry and Exit, as the measure is known, sets a five-year limit on exit restrictions based on would-be emigrants' knowledge of state secrets, a barrier that has stood in the way of "refuseniks" who have been denied exit visas.

° As of the end of April, seven months into FY 91, only 15,890 Soviet refugees had been admitted to the United States. The FY 91 ceiling for the Soviet Union is 50,000. A State Department source told Refugee Reports, "We don't know if we'll reach the ceiling."

The United States has increased the number of interviews, but has had difficulty moving U.S. approved cases out. The problem is attributed, in part, to "uneven interpretation" by Soviet authorities about what constitutes "immediate relatives" for purposes of extending invitations from abroad.

° On May 22, both the Senate and House gave final approval to a $556 million emergency assistance bill to provide relief for Iraqi refugees displaced as a result of the Gulf War. A total of $321 is slated to defray military costs; $235 million will cover State Department and Agency for International Development expenses. The United Nations has appealed for $448.9 million to cover the costs of the Gulf emergency through August 31, and was reporting a shortfall of $340.3 million, as of June 3.

° Between March and April, more than 100 Acehnese asylum seekers from northern Sumatra, Indonesia fled to Malaysia by boat. The Malaysian government has stated that it will forcibly return the Acehnese despite their claim for asylum. For the past 18 months, the Indonesian army has been trying to suppress a separatist movement in Aceh. Some 2,000 people are said to have been killed in the conflict, reports The Economist.

° The United States has accepted about 350 Libyan soldiers into the refugee resettlement program. The soldiers, former prisoners of war in Chad, had been given the choice of remaining as prisoners or agreeing to be trained by the United States as an insurgency force against Libyan leader Moammar Gadhafi.

The force was stranded after a pro-Libyan group took over Chad in late 1990 and kicked them out, and no other country was willing to provide them sanctuary. The Libyans flew from Kenya to New York on May 16, according to a May 18 report in the Washington Post.

° U.S. refugee processing has resumed out of Khartoum, where it had been suspended for security reasons since the beginning of the year. In the first seven months of the fiscal year, 44 refugees have been admitted to the United States from Khartoum, out of a total of 1,935 African admissions. The FY 91 admissions ceiling for Africa is 4,900.

° The Bush Administration has published an interim rule in the May 31 Federal Register reversing its plan to remove the ban on HIV-positive refugees and immigrants. In January, the Department of Health and Human Services (HHS) announced a proposal to drop the four-year-old bar on HIV-infected persons entering the United States (see Refugee Reports Vol. XI, No. 7; Vol. XII, No. 1). Now the Adminstration has reversed itself, retaining the ban on those infected with HIV, the human immunodeficiency virus, which is associated with AIDS.

In the 1990 Immigration Act, Congress authorized the Administration to determine which diseases should exclude a person from entering (or remaining, in the case of asylum seekers and legalization applicants) the United States. HHS's proposal in January to drop HIV infection--and several other diseases--from that category drew political opposition and many letters in protest. HHS responded by issuing a new interim rule that retains the exclusion on persons who are HIV-positive. During the 60 day comment period, a number of organizations that favor lifting the ban are pressing the Administration to reinstitute the January proposal.

° The Office of Refugee Resettlement (ORR) became a part of a new division within HHS--the Administration for Children and Families--on April 15.

° On May 10, ORR proposed allocations of nearly $44 million in targeted assistance funds to 41 counties with high concentrations of refugees and entrants. As in the past, counties in Florida and California will receive the lion's share of the funds--$21.9 million for Florida, particularly the Jackson Memorial Hospital in Miami and the Dade County public schools; $14 million for California; the next largest recipients will be counties in New York with $1.3 million. Another $4.9 million in the targeted assistance program account will be awarded separately.

° ORR has proposed allocating $70.5 million to states for FY 91 refugee resettlement social services out of an available $82.9 million. The remaining $12.4 million is to be used by ORR on a discretionary basis to fund individual refugee resettlement projects, particularly those that would reduce refugee dependence on public assistance. California is slated to receive $21.3 million, plus $1.1 million in incentive funds for mutual assistance associations (MAAs). New York, Florida, Texas, and Massachusetts will be the next largest recipients under the formula proposed in the April 29 Federal Register.

Ambassador Princeton N. Lyman, director of the State Department's Bureau for Refugee Programs, said that the repatriation of Kurdish refugees from the Turkish border "has turned into a flood." Lyman noted that because of "an unwillingness to go home under present security circumstances" many Kurds had not left the UN security zone in the Zakhu area of northern Iraq. He warned that a large camp population could remain in the secure zone in northern Iraq if the security situation in Dahok were not resolved.

Shortly thereafter, Iraqi forces withdrew from Dahok; within the three-day period of May 25-27, more than 50,000 returned to Dahok from the Zakhu area. The Zakhu camp population had been reduced to 45,000 by May 28.

Iran: Some Return; for Most, a Nervous Wait Returns from Iran are slower, but increasing. According to the Iranian government, the refugee population in Iran had been reduced to 787,820 as of May 19, down from UNHCR's estimate of 1.4 million earlier in the month.

Several private witnesses testified about the situation in Iran, and all relayed the impression based on interviews with refugees there that the refugees in Iran would not be returning to Iraq as quickly as those on the Turkish border.

Two health professionals from Physicians for Human Rights testified that the lives of thousands of children are imperiled from contaminated and inadequate water supplies, and warned of "grave risks" of epidemics due to the intense summer heat that will come during the next few months.

Bill Frelick, of the U.S. Committee for Refugees, discussed the disparities in assistance to Iran and Turkey. "It is difficult for Iranians to reconcile the levels of international assistance that have been pledged to Turkey, despite its often contemptuous treatment of the Kurdish refugees, with the significantly more modest levels of support for an Iranian government that has acted responsibly."

Frelick pointed out that for every dollar that has been spent on an Iraqi refugee in Iran, $7.60 has gone for a refugee on the Turkish-Iraq border. The discrepancy is largely attributable to a U.S. contribution heavily weighted away from Iran. Of more than $200 million spent by the United States on this refugee emergency, said Frelick, less than $20 million has gone to refugees in Iran. Iran has been spending $10 million per day to support the refugees, according to UN High Commissioner for Refugees Sadako Ogata.

Kennedy pressed Lyman on whether or not the Iranians were willing to accept U.S. assistance. Lyman suggested that Iran has not requested more direct assistance from the United States.

Kennedy said, "Although the leaders of Iran plead for international help, they have erected serious obstacles to assistance from both private voluntary agencies and the U.S. government.

[An Issue Brief based on Frelick's site visit to Iran will be available in June.]

CHAOS IN THE HORN OF AFRICA: GOVERNMENTS FALL, REFUGEES FLEE, MILLIONS FACE FAMINE

The overthrow of governments in Ethiopia and Somalia has created major new refugee flows in the Horn of Africa, exacerbated war- and drought-induced famine, and caused the collapse of international relief efforts.

"A wave of democracy is sweeping Africa," said Rep. Mervyn Dymally (D-Cal.) at a recent hearing, "but a wave of starvation overwhelms the wave of democracy."

The House Subcommittee on Africa, which Dymally chairs, held a joint hearing on the crisis in the Horn on May 30 with the Select Committee on Hunger. The Senate Subcommittee on African Affairs held a similar hearing on May 14.

Ethiopia's Mengistu Falls; Rebels Seize Control in Addis Ababa and Eritrea The Marxist government of President Mengistu Haile Mariam collapsed during the last week of May. The regime's human rights abuses, disastrous economic policies, and forced relocation programs--along with the civil wars between the government and several different rebel groups--forced hundreds of thousands of Ethiopians into exile and

Hundreds of malnourished childen are brought each day to the SOS Children's Village in Mogadishu, Somalia, which operates a feeding program. As food supplies in Mogadishu dwindle, an increasing number of people are falling into the "vulnerable" category. USCR/H. Ruiz

left the country in ruins.

Mengistu left the Ethiopian capital, Addis Ababa, for exile in Zimbabwe on May 21. Immediately afterward, the United States pressured the new Ethiopian leadership to allow Israel to airlift 14,500 Ethiopian Jews out of Addis Ababa by threatening to end the United States' mediator role in peace talks scheduled in London between the Ethiopian government and rebel groups. The airlift was successfully completed in less than 30 hours, at a reported cost of more than $42 million.

Within days of Mengistu's departure, the Eritrean People's Liberation Front (EPLF), which for decades has fought for Eritrean independence from Ethiopia, gained control of the only two government-held towns in Eritrea, bringing all of Eritrea (including the ports of Massawa and Assab, through which almost all relief supplies for Ethiopia enter) under EPLF control. The EPLF has formed an administration for Eritrea separate from Addis Ababa.

A coalition of other rebel groups, the Ethiopian People's Revolutionary Democratic Front (EPRDF), led mainly by Tigrayan rebels, then surrounded, and with the blessing of the United States, entered and took over Addis Ababa. The nature of the EPRDF-led government, and whether the policies and practices that have led many Ethiopians to flee the country will end, remain big question marks. The Tigrayan rebels who lead the EPRDF have long espoused hard-line Marxism-Leninism, but have recently expressed a commitment to democracy and have promised to hold elections. However, knowledgeable observers say it is doubtful that the EPRDF, which cooperated with the EPLF while both were fighting a common enemy, will ultimately accept Eritrean independence.

The collapse of the Ethiopian government brought relief efforts throughout Ethiopia to a standstill. More than 6 million people are threatened by famine in Ethiopia, including hundreds of thousands of refugees and returnees. At the May 30 hearing, Rep. Byron Dorgan (D-N.D.), commenting on the famine and EPRDF's promise to hold elections in Ethiopia within a year, said, "It would be a tragedy if a million Ethiopians starved before they get the chance to vote in next year's election."

Even before the recent events, the sheer number and remote locations of the refugees and returnees, shortfalls in donor pledges, and lag time between pledges and food arrivals had overstretched UNHCR's ability to respond. Malnutrition in the refugee camps had soared to 25 percent, causing Somali refugees to begin to return to Somalia, even though there is no UNHCR plan to assist them.

Reportedly, large numbers of Ethiopians associated with the Mengistu regime have fled the country since the fall of the government. As many as 100,000 have entered or are headed towards Sudan; 30,000 have entered Djibouti; and 25,000 are said to have crossed into Kenya.

Somalia: Barre Gone, But Somalis Remain Fragmented In January, the 21-year-old dictatorship of Gen. Mohammed Siad Barre, a regime widely accused of gross human rights abuses, ended. Before fleeing Mogadishu, the Somali capital, Barre's troops shelled the city and set off a frenzy of looting, killing, and raping--in which rebels and armed civilians also took part.

Fighting spread throughout the country; more than 200,000 Somalis and 150,000 Ethiopian refugees who had been living in Somalia fled to Ethiopia (where 385,000 Somali and 398,000 Sudanese refugees were already living); and different rebel groups--each associated with one of the large Somali clans (traditional family groupings)--took control in northern, central, and southern Somalia (the latter two groups turning against each other once Barre fled).

U.S. Committee for Refugees (USCR) Africa policy analyst Hiram A. Ruiz, who recently returned from a fact-finding visit to Somalia, Djibouti, Ethiopia, and Kenya, told subcommittee members at the May 14 House hearing, "Much of Mogadishu [the Somali capital] is in ruins. Little food has entered the region since the fighting began, and almost all international agencies and relief groups continue to stay away. Malnutrition has started to spread among the vulnerable groups." Without rapid international aid, the entire population of Somalia could be at risk, Ruiz said.

In northern Somalia, the precipitous and unplanned return of thousands of Somali refugees from Ethiopia is causing concern. There is neither food nor water in the area, and there are reportedly hundreds of thousands of landmines buried under the rubble of the region's main city of Hargeisa, which is more than 90 percent destroyed.

Ruiz told the subcommittee members, "The UN High Commissioner for Refugees (UNHCR) must formulate and implement a plan to assist Somali refugees to return home.... Without this, a 'returnee emergency' will develop in northern Somalia."

As Many As 300,000 Will Die in Sudan: Roger P. Winter, director of the U.S. Committee for Refugees, recently returned from a site visit to southern Sudan and testified before both the Senate and House hearings on the situation in Sudan. At the May 14 hearing, Winter said, "The government of Sudan is the major culprit in the unfolding crisis in that country. Its policy choices have been, frankly, aberrant."

Last year, the Sudanese government sold its food reserves to Iraq in exchange for weapons to carry on its war against the southern-Sudanese based Sudan People's Liberation Army (SPLA). Later, when severe drought hit and it became evident that nine million Sudanese would be at risk (including many of the Sudan's 700,000 Ethiopian refugees), the government steadfastly denied there was a problem and prevented the international community from assisting. The Sudan government, said Winter, has now relented and allowed relief efforts to proceed in government-held areas, but it is already too late to reach all in need, and as many as 300,000 may die.

At the May 30 hearing, Winter, noting that one of the main problems is getting food aid to at-risk civilians in distant areas, proposed that "the U.S. should seek to utilize the military logistical and medical capacity it has amassed in the Middle East to jump start relief efforts in the Horn of Africa, particularly western Sudan."

Relief workers in Ethiopia report that the government of Sudan has bombed Sudanese refugees attempting to reenter southern Sudan from Ethiopia, causing widespread panic. There is no food in the areas in Sudan to which the refugees are seeking to return. Said one urgent appeal to the international community: "Food situation desperate. Please organize air drop as there is no food--repeat, no food--for these people. Please act promptly."

House Subcommittees Urged To Support Horn of Africa Bill At the May 30 hearing, Sharon Pauling, Africa policy analyst at Bread for the World, urged passage of H.R. 1454, the Horn of Africa Recovery and Food Security Act. The bill directs the United States to assure the people of the Horn access to food and other basic necessities; to target development assistance to poor and hungry people; to set forth a peace initiative aimed at stopping ongoing wars and conflicts; and to restrict aid to governments in the region until they make progress towards peace, democracy, and human rights. Rep. Bill Emerson (R-Mo.) said that the bill "puts people before politics, which is where they should have been all along."

Feature

ETHIOPIAN REFUGEE RESETTLEMENT IN THE UNITED STATES

"The scattered pattern of Ethiopian resettlement has had and continues to have an adverse effect both on individual self-sufficiency and long-term community stability and development," says a recently published report on a nationwide study of Ethiopian refugees' development needs. The report adds, "This is directly related to the lack of policy regarding domestic resettlement of Ethiopian refugees, and the lack of coordinated efforts at the national level to place Ethiopian refugees in communities with an established [Ethiopian] presence."

This report, The Development Needs of Ethiopian Refugees in the United States, is based on a study carried out by the Ethiopian Community Development Council (ECDC) with funding from the Department of Health and Human Services' Office of Refugee Resettlement (ORR). The report's publication is one of two recent developments that have focused attention on Ethiopian refugees in the United States. The other is ECDC's becoming the newest refugee resettlement agency to participate in the State Department's Refugee Reception and Placement Program (see box).

Study's Findings Based on Consultations in Six Cities Besides collecting and analyzing federal and state data on Ethiopian refugees, ECDC met with federal, state, and local officials, service providers, and representatives of Ethiopian community groups in Washington, D.C., San Francisco, Los Angeles, New York City, and Chicago. Among the findings were:

° There are some 50,000 to 75,000 Ethiopians living in the United States, mostly in urban areas. They include refugees (more than 22,400 Ethiopians were resettled in the United States between 1980 and 1990), asylees, naturalized U.S. citizens, and others.

° Few culturally and linguistically appropriate orientation materials are available to Ethiopian refugees (before or after resettlement) or to resettlement agencies and service providers.

° The geographical dispersion of Ethiopians makes it difficult for service providers to offer culturally and linguistically appropriate services, for Ethiopians to develop strong communities, and for Ethiopian mutual assistance associations (MAAs) to secure funding for Ethiopian-specific programs and services.

° Many Ethiopian refugees lack the skills or education necessary to achieve self-sufficiency. Some 40 percent of Ethiopian adults in the United States have less than an eighth grade education, including some who are illiterate. Women in particular often lack transferable work skills, yet no programs exist to ease their entry into the workforce.

° Professional and more highly skilled Ethiopians are underemployed and do not have access to skills recertification programs or appropriate level ESL classes aimed at helping them acquire recertification. Such programs have been provided in

ETHIOPIAN REFUGEE ARRIVALS
BY STATE OF INITIAL RESETTLEMENT
CUMULATIVE FROM 1983-1990

STATE	NUMBER OF ARRIVALS	PERCENTAGE OF TOTAL
California	3,609	22.3%
Texas	2,026	12.5%
Maryland	1,050	6.6%
New York	930	5.8%
Distict of Columbia	760	4.7%
Illinois	652	4.0%
Washington	642	3.9%
Georgia	608	3.8%
Missouri	577	3.6%
Virginia	489	3.0%
Minnesota	475	2.9%
Arizona	463	2.9%
Pennsylvania	442	2.7%
Florida	415	2.6%
Ohio	358	2.2%
Massachusetts	312	1.9%
New Jersey	293	1.8%
Michigan	263	1.6%
Colorado	243	1.5%
Nevada	228	1.4%
South Dakota	216	1.3%
Oregon	165	1.0%
Other	941	5.8%
TOTAL	**16,157**	**100%**

Source: Office of Refugee Resettlement

the past for other refugee groups.

Newly Resettled Ethiopian Refugees Often Experience Frustration One problem resulting from the lack of appropriate orientation materials and programs for Ethiopians due to be resettled in the United States is that many arrive with unrealistic expectations. According to Dr. Tsehaye Teferra, ECDC's director, employment is another major problem. Ten years ago, most Ethiopians in the United States were urban, more highly educated, and had English abilities. "Now," says Teferra, "we're getting more and more people who are illiterate or who have less education and skills, as well as larger families and older people. That makes resettlement, particularly finding the type of employment the refugees would like, more difficult." Teferra adds, "Even so, Ethiopians have the lowest welfare usage among refugees in the United States."

Lissanne Negussie, Executive Director of Washington, D.C.'s, Ethiopian Community Center (ECC), concurs. "We have many people with university degrees who are working as cab drivers and parking attendants," Negussie said. "Those with transferable skills, like engineers, accountants, pharmacists, and nurses, are often able to find employment in related fields, but professionals with backgrounds in the social sciences are in bad shape," he added.

According to Teferra, the emphasis on early employment negatively affects both the less educated and the better educated. Those who are less educated and unskilled don't have a chance to develop language and other skills that would help them to become self-sufficient. What language training refugees do receive, Teferrra says, "is designed to enable them to go into an entry level job. People are being trained, literally, to be good dishwashers."

ECDC JOINS RESETTLEMENT AGENCIES

In September, the Ethiopian Community Development Council (ECDC) joined the ranks of national voluntary agencies participating in the State Department's refugee reception and placement program. It is the first community-based organization to join the volag group since the passage of the Refugee Act of 1980. To make the program national in scope, ECDC, which is based in Arlington, Virginia, near Washington, D.C., has affiliated with the Ethiopian Community Association of Chicago, the Refugee Services Alliance in Houston, and the New York/New Jersey area's Committee to Aid Ethiopian Refugees. Affiliates in Los Angeles, Boston, and Indianapolis will join ECDC's resettlement program in FY 92. ECDC executive director Teferra told Refugee Reports, "We hope that the voluntary agencies will take us as a serious partner. They have been doing a good job; we hope to complement that." ECDC expects to resettle some 310 free cases and a number of family reunification cases during fiscal year 1991. Initially, ECDC expects to resettle only African refugees.

On March 18, ECDC's affiliate in Houston, the Refugee Services Alliance (RSA), resettled its first three refugees. RSA executive director Kassahun Bisrat said that the three young adults are temporarily taking classes to brush up their English language skills, but have already been going on job interviews. According to Bisrat, whose organization serves not only Ethiopians, but also Vietnamese, Laotians, and Cambodians, the $460 State Department grant per refugee that the agency will get will not go far in meeting the refugees' initial resettlement needs. "To adequately sustain our program," Bisrat said, "we would need to receive five new cases per month."

Teferra says that ECDC had various objectives in seeking to become a resettlement agency. "So far, the Ethiopian community has been on the receiving end. We felt that the community should be able to give something back." Teferra adds that Africans have always been on the sidelines, and consequently have been unable to influence decisions that affect the resettlement of African refugees, who represent only a small fraction of the refugees resettled in the United States each year. "For many years, we have been concerned about U.S. admissions policy--who comes, how many come, etc. Those decisions have been made by the State Department in consultation with the voluntary [resettlement] agencies. Being on the outside, we were never part of the consultation process. We decided that we had to be on the inside to help influence that process."

Refugee Reports asked Teferra if, given the many deep divisions among those classified as Ethiopian--including groups such as Eritreans, who may not consider themselves "Ethiopian", ECDC's role as a resettlement agency might cause problems in the politically sensitive Ethiopian community. "You have to understand something about ECDC," Teferra said. "It is true, as our name indicates, that we are an Ethiopian community organization. But for seven years, our position has been that ECDC is a humanitarian agency that does not engage itself in inter-ethnic or nationality discords. When people needed a service, we helped them. Whether they were Eritrean, Oromo, Tigrayan, Amhara, Somali--it didn't matter. Therefore, over time, people began to develop confidence and to view us just as a service provider."

Besides the free cases and family reunification cases ECDC expects to resettle, the agency also hoped to resettle some Ethiopian refugees through the Private Sector Initiative (PSI) as a way to achieve greater refugee admissions from Africa. But according to Teferra, the State Department has placed too many hurdles for ECDC to be able to pursue PSI this year. He says that besides the numerical imbalance (Africans account for nearly 30 percent of the world's refugees, but only 4 percent of projected refugee admissions to the United States during FY 91), the need for resettlement for Africans is not fully understood, either by the State Department or by the resettlement agencies. "We want PSI not because the Ethiopian community is rich--it's not--or because refugees' families here are rich enough to pay their expenses, but simply because we wanted to show our humanitarian concern for members of our community who are suffering in African countries of asylum," Teferra said.

Professional and more highly educated refugees are obliged to find employment as soon as possible after arrival, often taking entry level jobs in the service industry. Because they often work two jobs to manage financially, they find it difficult to develop the level of English proficiency or enroll in classes that would enable them to reestablish themselves in their professions. "For the individual, that is frustrating," Teferra told Refugee Reports. "But it is also frustrating for the Ethiopian community as a whole. When you have a professional working as a dishwasher, it is a disincentive to others to study or gain skills." According to the ECDC study, "While most [Ethiopians] choose employment and economic independence over public assistance, the majority continue to be employed in jobs that are ill-suited to their training and experience. It has been estimated that as many as 50 percent of the Ethiopians in the labor force are underemployed."

Teferra says that if employment counselors could spend more time with newly resettled clients, they might at least be able to help them find employment in a related field. He cited the example of two doctors who were found jobs as laboratory technicians at a hospital. "Although it is still an entry-level position, they are at least in an atmosphere with which they are familiar," Teferra said. But finding that type of job placement takes time, and, according to Teferra, resettlement agencies' goal of generating positive early employment statistics prevents their counselors from spending that much time with clients.

Mental Health Problems on the Increase As with other refugee groups, adjusting to a new society, dealing with racial discrimination, finding and maintaining affordable housing, and working long hours contribute to frustration and stress for Ethiopian refugees. There is a significant difference, however. According to the ECDC study, because Ethiopians are a new immigrant/refugee group, they lack the "traditional support systems such as family, community elders, and churches, which provide a foundation of strength and stability to individuals." The combination of frustration and stress, and the absence of appropriate support systems, has led to "an alarming increase in the number of people suffering from depression and substance abuse, and the number of incidents involving violent behavior, domestic violence, and child abuse."

Kassai Gebreab, his wife, sons, and two young neighbors remember Eritreans facing famine in their homeland at a candlelight vigil held in Washington, D.C., in 1990. Gebreab and his family, who live in Alexandria, Virginia, were among hundreds of Eritreans who joined the vigil. USCR/H. Ruiz

One particularly vulnerable group is the elderly. According to ECC's Negussie, "Loneliness and isolation are major problems. Although many of the elderly live with their children, they remain isolated. They often do not speak English, do not understand how to use public transportation, and may not be able to communicate with their grandchildren, who sometimes speak only English." Negussie noted that there are few social services that target the elderly, and that while community groups such as the ECC would like to offer more services to vulnerable groups, their funding--which comes primarily from federal monies--is geared towards providing employment-related services, not social services. Although they try to offer some other services such as housing assistance, MAAs do not have the resources to reach out to groups such as the elderly.

While loneliness and isolation present problems for the elderly, they can also lead to mental health problems, alcoholism, and homelessness for younger people, especially single males. Some of those with mental health problems are able to find treatment, though they rarely have access to mental health professionals who speak their language. Others fall through the very loosely knit net of community support and services and wind up in shelters or in the streets. Negussie says that his organization regularly sees young men who are homeless.

A small but growing number of those who simply cannot make it in the United States have returned to Ethiopia. According to Fernando Chang-Muy, of the UN High Commissioner for Refugees' (UNHCR) Washington office, many of those who seek repatriation--virtually all single young men--appear to have mental health problems. They are referred to a Washington Ethiopian psychologist, one of the few Ethiopian mental health practitioners in the United States, who determines if they are competent to make a decision regarding repatriation. During 1985-86, only two Ethiopian refugees repatriated to Ethiopia. Between 1987 and 1990, 32 repatriated through UNHCR auspices. According to Chang-Muy, most of them cited loneliness and homesickness as reasons for wanting to repatriate.

Study Offers Recommendations The participants in the ECDC study made a number of recommendations about improving resettlement for Ethiopians. Among these are:

° Develop linguistically appropriate orientation materials and provide overseas orientation programs.
° Urge resettlement agencies to involve Ethiopian MAAs in the orientation programs they provide for newly arrived Ethiopian refugees.
° Establish a resettlement policy that settles Ethiopians in clusters or in communities with an established Ethiopian presence.
° Develop a national skills recertification program that is open to all refugee professionals.
° Develop health, mental health, and substance abuse education material targeted to Ethiopians; fund programs to train Ethiopian health and mental health paraprofessionals; develop cross-cultural education materials for service providers.

The Development Needs of Ethiopian Refugees in the United States is available for $3.00 for postage and handling from the Ethiopian Community Development Council, Inc., 3213 Columbia Pike, Suite 101, Arlington, VA 22204. (703) 685-0510.

Job Board

[If you know of job openings in the refugee field, please let us know at our office in Washington (address on back cover). If you wish, FAX the announcement to (202) 347-3418, attention: Virginia Hamilton.]

Director of Refugee Services: To supervise the American Council for Nationalities Service Refugee Resettlement Program, including the monitoring of subcontracts with local ACNS affiliates; supervising the refugee allocations process; administering the matching grant program; and supervising six professional staff of the Refugee Services Unit.

Contact: Position Recruitment, American Council for Nationalities Service, 95 Madison Avenue, New York, NY 10016. (212) 532-5858.

Paralegal: To perform client intake and interviewing; prepare asylum claims and work authorization requests; assist attorneys in preparing for hearings; prepare documentation for political asylum cases; help carry out group legal rights presentations; document INS/Border Patrol abuse.

Contact: Rogelio T. Nuñez, Executive Director, Casa de Proyecto Libertad, Inc., 306 E. Jackson 3rd Floor, Harlingen, TX 78550. (512) 425-9552.

INVOLUNTARY U.S. RETURNS OF CENTRAL AMERICANS AND HAITIANS

	El Salvador	**Guatemala**	**Honduras**	**Nicaragua**	**Haiti**
FY 1990					
Deportations	2,343	1,568	1,575	90	206
Exclusions	44	19	22	2	608
Required departures	637	627	231	162	16
Interdicted at Sea					1,196
Total	**3,024**	**2,214**	**1,828**	**254**	**2,026**
FY 1989					
Deportations	3,878	3,434	2,905	81	127
Exclusions	27	13	32	5	703
Required Departures	921	773	275	127	23
Interdicted at Sea					4,551
Total	**4,826**	**4,220**	**3,212**	**213**	**5,404**

This table includes data for the fiscal years listed that were received by March 1991. It categorizes the number of persons expelled by the United States and returned to their country of citizenship (i.e., Salvadorans to El Salvador, etc.).

Source: U.S. Immigration and Naturalization Service

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Volume XII, Number 6 **June 21, 1991**

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THE RUSSIANS ARE COMING (BUT SLOWLY)

A significant shortfall is expected in the number of Soviet refugees that will be admitted to the United States this year. Although the United States has agreed to admit up to 50,000 refugees this year, only 18,462 have arrived in the first seven months of the fiscal year.

Informed sources predict that FY 91 Soviet admissions will fall short by between 10,000 and 15,000. A shortfall is also anticipated in the Africa admissions numbers. Through April, 1,935 African refugees have been admitted to the United States out of an FY 91 admissions ceiling of 4,900. Total admissions could be as much as 20,000 short of the FY 91 worldwide ceiling.

In response to the anticipated shortfall, Rep. Howard Berman (D-Cal.) introduced an amendment to the State Department authorization bill (H.R. 1415, section 171), that would add the number of refugees not admitted within specified regional ceilings in FY 91 to the FY 92 admissions ceiling for the regions where shortfalls occur. The amendment would also continue to authorize funding in FY 92 for refugee admissions funds that were authorized and appropriated in FY 91 but not used because of the shortfall.

H.R. 1415 passed the House of Representatives on May 15. It now awaits Senate action.

Congressional sources suggest that Berman will withdraw the amendment if the Administration comes forward with 20,000 additional admissions numbers in its FY 92 request--raising the total FY 92 admissions ceiling to about 140,000.

Mark Talisman, director of the Washington Action Office of the Council of Jewish Federations, told Refugee Reports that the Administration would come up with "straight new admissions numbers" in the annual consultations in September that will reflect whatever the shortfall turns out to be. "There is no desire to roll the numbers over" from one fiscal year to the next, he said, if the same goal can be achieved by a larger admissions request for FY 92.

Congressional sources agreed that a rollover of admissions numbers might set a troublesome precedent, but that the circumstances this year that created the shortfall--and the size of that shortfall--were so unusual that they demanded special action.

Left unanswered, however, is how a request for 20,000 additional numbers in FY 92 would be paid for if a rollover from FY 91 does not occur. The Administration's proposed budget for FY 92 includes $193.3 million for refugee admissions, which corresponds to only 120,000 refugee admissions places.

Talisman said his preference would be to deal with that within the budget for numbers already obligated in FY 91, but that new monies could be made available from within the FY 92 budget before it is finalized. He said that if these two options fail, "we could clean up with a supplemental [budget request] in FY 92 if adjustments are required."

Talisman said, "We can't ask for additional numbers without funding." He said, however, that the full dimensions of the need will not be evident until the end of the fiscal year, and he expressed hope that more arrivals might be forthcoming before the fiscal year ends on September 30, which would require less of an adjustment for FY 92. "We would be much more delighted if the numbers came in before the end of the fiscal year," he said.

Soviet Bureaucracy Gums Up the Works The cause of the shortfall, according to Royce Ficte, director of the U.S. government's Washington Processing Center, is that "the Soviet bureaucracy is incapable of keeping up with the flow." He said that there is nothing new in the delays, but rather that the magnitude has "hit home" this year because of the switch in Soviet processing from Vienna and Rome to direct processing out of Moscow.

Ficte said, "We currently have more Soviets approved for refugee status than we need to meet the 50,000 admissions ceiling."

The main obstacle to moving out approved cases appears to be the Soviet rule that invitations to the United States must be extended from close family relatives. Frequently if the Soviet family member is not actually a closely related, blood relative, he or she will be denied exit permission by the OVIR office, the directorate within the Ministry of Interior that issues travel documents.

Because Soviet emigres travel together as family units, the denial of one member usually means that the rest of the family refuses to travel so as not to leave one person behind. For example, if a sister of a Soviet citizen extends an invitation to her married brother, his mother-in-law will likely be denied because of her distant relationship to the sister in the United States. Consequently the whole family remains in the Soviet Union.

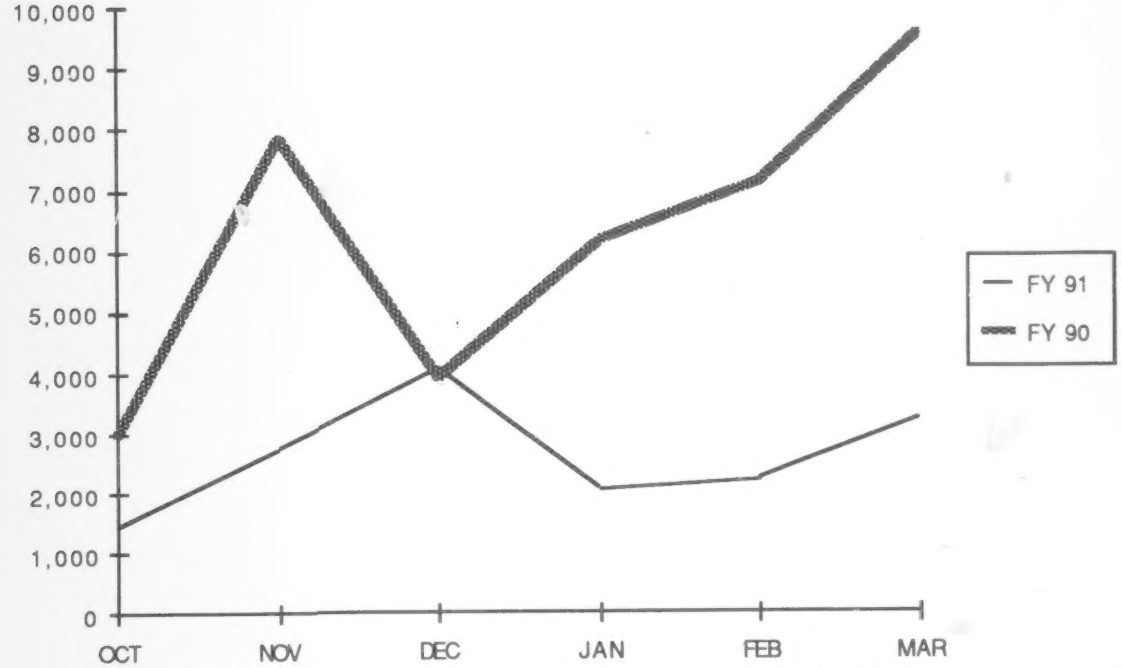
The other problem appears to be the general slowness of the Soviet bureaucracy. "Moscow processing was set up for a turn-around time of four-to-six months," said Dail Stolow, director of overseas operations of the Hebrew Immigrant Aid Society (HIAS). "Depending on the Republic in the Soviet Union, it can take as much as three months just to stand in line at OVIR to apply for exit permission and another six-to-eight months before receiving a permit."

Changes under the New Emigration Law Under the new emigration law that passed the Supreme Soviet on May 20, family relationship will no longer be a required criteria for exiting the Soviet Union. Soviets will have permission to leave based on an invitation from any person or entity, including a foreign government.

However, many provisions of the law are not scheduled to go into effect until 1993. Also worrisome to observers of Soviet emigration practices is the fact that as of June 20 President Gorbachev had yet to sign the bill into law. In addition, the Soviet Council of Ministers was to have handed down a program for implementation of the new law within two weeks of its passage, which also had not happened.

Certain provisions were scheduled, however, to go into effect as early as July 1. As of June 30, the decrees requiring would-be emigres to pay education taxes will be abolished. Also, as of July 1, Soviets traveling to Israel will be issued Soviet passports, so they no longer will lose their Soviet citizenship upon entering Israel. This presumably will allow Soviet Jews leaving for Israel to retain property in the Soviet Union and to preserve the right to return, but in the short-term it could cause further delays, as new passports will have to be printed.

COMPARISON: SOVIET REFUGEE ADMISSIONS
FIRST HALF FY 90 AND FY 91



Source: U.S. State Department, Bureau for Refugee Programs, data tabulated by Refugee Reports

Martin Wenick, executive director of the National Conference on Soviet Jewry, who recently returned from a visit to the Soviet Union where he met with Kremlin officials, told Refugee Reports, "I don't think these changes will have a significant impact" on FY 91 admissions.

Wenick observed, "There could be an increase simply because the pool of eligible people is getting larger and larger." But he also pointed out that the Soviet bureaucracy might not be able to cope with the flood of new nationality groups that never before have been able to travel abroad. "The Soviets are short on passports," he said. "We don't know how fast they will be able to print them."

A State Department source agreed. "There is nothing to indicate the [emigration] law will affect the flow," she said. She also predicted that "the Soviets will have a lot of problems in implementing it."

Soviet Jewish Exodus to Israel Slows The movement of Soviet Jews to Israel has also slowed this year. Through the first five months of the year, only 70,000 Jews had immigrated. The semi-official Jewish Agency had predicted the arrival of 400,000 this year.

On June 9, the Hebrew language Al HaMishmar quoted Simha Dinitz, chairman of the Jewish Agency Executive, as saying that "the Jewish Agency is working directly with the Soviet authorities and through other diplomatic channels to reach an understanding that the date for compulsory passports, part of the new emigration law, be postponed from July 1 to January 1, 1992." Dinitz said that if the amendment is not changed, "there is a fear that there will be a further slowdown in aliyah [immigration to Israel]."

Impact on U.S. Resettlement Uncertainty about the numbers of refugees who will be arriving has had "an enormous financial and human cost" on the agencies geared up for resettlement of Soviet Jews, said HIAS's Stolow.

"The staffing, facilities, and program were all in place for 40,000 [the number of Soviet Jews slated for resettlement in FY 91 out of a total of 50,000 Soviet places]," said Stolow. She said that the shortfall was having "a significant impact not only on the HIAS budget and the budgets of our resettlement agencies, but also on the human factor--the refugees themselves, whose departure has been delayed."

The shortfall, however, has not touched agencies resettling Soviet evangelical Christians. "It has had no impact on us," said Peggy Gilbert, director of migration services of World Relief of the National Association of Evangelicals.

"The evangelical Christian numbers were frontloaded," explains Gilbert. "Close to 6,000 arrived between October and December." This group represents the "stranded Christians" who originally had exit permission to Israel, and then were not permitted to switch to the United States when processing shifted from Rome-Vienna to Moscow (see Refugee Reports, Vol. XI, No. 4).

UPDATE

° In the pre-dawn hours of June 4, Thai officials rounded up 192 undocumented Burmese immigrants in the border town of Mae Sot and repatriated 85 into the hands of Burmese authorities in Myawaddy, according to a report in The Nation, an English-language newspaper published in Bangkok. The other 107 people were transferred to a refugee holding camp at Ban Huay Kalok.

This was the first reported repatriation of Burmese in Thailand since Thai military authorities announced on May 20 that all Burmese illegal immigrants in Tak province must leave the country by the end of the month or face deportation to Burma (now renamed Myanmar). The announcement by Task Force 34, a special military unit in charge of Thai-Burmese border security, also imposed a ban on any further entry by Burmese immigrants or asylum seekers.

Burmese refugees in Thailand number about 50,000, most of whom are ethnic minority groups--Karen, Mon, Pa-O, and others--living along the Thai-Burmese border. About 2,000 Burmese students fled into Thailand when the Burmese army crushed pro-democracy demonstrations in September 1988, killing several thousand people and imprisoning thousands more.

About 1,300 Burmese students living in Bangkok carry "letters of concern" issued by the UN High Commissioner for Refugees (UNHCR) and receive monthly cash grants for assistance. Except for this group, all other Burmese asylum seekers in Thailand have no status except that of "illegal immigrant."

In addition to the ethnic minority groups and student activists, it is estimated that about 20,000 Burmese are living in Thailand without documentation. Many are engaged in cross-border trade or have crossed into Thailand seeking temporary employment. But relief workers and other informed sources in Thailand say that some have fled the risk of forced conscription, porterage, or other forms of abuse at the hands of the Burmese army and deserve protection in Thailand.

Asked about the repatriation incident, UNHCR acting chief Guy Ouellet told The Nation, "None of these people are refugees. We are not involved with them. We only get involved with those who applied for refugee [status]...and are genuine refugees."

In a May 24 letter to Richard Solomon, Assistant Secretary of State for East Asian and Pacific Affairs, three U.S. senators expressed a concern that, "without United Nations or other international screening of the cases that the Thai military authorities are threatening to deport, it is impossible to determine whether these individuals will be safe in Burma." The senators requested that "a representative from the United States Embassy in Bangkok be sent immediately to Mae Sot to investigate this latest threat of repatriation."

The letter was signed by Sens. Alan Cranston (D-Cal.), Daniel Patrick Moynihan (D-N.Y.), and John F. Kerry (D-Mass).

° The Joint Voluntary Representative in Sierra Leone--the International Rescue Committee--officially opened its doors on June 11 to begin processing Liberians for U.S. refugee resettlement. The United States will begin processing Liberian refugees in processing priorities P1 to P3. Few cases are anticipated to be admitted from Liberia before the end of this fiscal year.

- Robert L. Funseth retired as senior deputy assistant secretary of state in the Bureau for Refugee Programs on May 31. Funseth, a career diplomat, served in BRP for the past ten years.

- Karl D. Zukerman has resigned as executive vice president of the Hebrew Immigrant Aid Society (HIAS) effective at the end of the year. Zukerman had served in that position for the past eight years. Ben Zion Leuchter, President of HIAS, said that Zukerman "steered HIAS through perhaps the most tumultuous and difficult period in Jewish migration in the last four decades." No replacement has been named.

- Rev. Harold Bradley, S.J., has left his position as the director of the Center for Immigration Policy and Refugee Assistance at Georgetown University as of July 1 to join the Office of Federal Relations. Bradley will be succeeded by Rev. Francis Gillespie, S.J., who previously served as president of the Center for Applied Research in the Apostolate.

- On June 20, the House of Representatives approved the foreign aid authorization bill (H.R. 2508), which included an earmark for $25 million for nongovernmental organizations working on UNHCR and UN Development Program (UNDP) projects approved by the Concerted Plan of Action of the International Conference for Central American Refugees (CIREFCA). The bill now goes to the Senate.

Recent Developments

U.S. URGED TO RESETTLE "REFUGEES AT SPECIAL RISK"

Recently, the chief of UNHCR's resettlement section in Geneva, Gary Troeller, met with State Department officials and voluntary agency leaders to urge that the United States expand current resettlement guidelines to include places for refugees at special risk.

In a meeting with the State Department on June 3, the Migration and Refugee Affairs (MRA) committee of InterAction, an association of 120 private organizations working on international humanitarian issues, including refugee relief and resettlement, proposed that the United States allocate 1,500 FY 92 admissions numbers for refugees, irrespective of geographical location, who fall outside the normal processing guidelines.

Mostly, these would be refugees identified by the UN High Commissioner for Refugees (UNHCR) as priority cases in need of resettlement. Many are individuals at physical or legal risk in their countries of first asylum; others are refugees identified as "vulnerable" by UNHCR.

State Department Says U.S. Already Admits Vulnerable Refugees At InterAction's consultations with the State Department, Bureau for Refugee Programs officials indicated that they did not see a need to earmark numbers for refugees at special risk. But, Ambassador Jewel LaFontant-Mankarious, U.S. Coordinator for Refugee Affairs, said that if UNHCR was placing these people before us, we should look at them more carefully.

A spokesman for the Office of the U.S. Coordinator for Refugees, Jim Hall, later told Refugee Reports that the government had yet to respond to the InterAction proposal, though "we listened with great interest and sympathy," he said.

Terry Rusch, Director of Refugee Admissions and Processing in the Bureau for Refugee Programs, told Refugee Reports: that the United States already accepts some vulnerable refugees through normal resettlement. However, she added, "We have not had UNHCR come up with a specific list [of vulnerable refugees] they'd like us to consider." According to Rusch, the U.S. government and UNHCR have been working together for two years to establish a system whereby UNHCR can put forward names of vulnerable refugees it would like the U.S. to consider for resettlement, but a system has yet to be worked

Handicapped Cuban refugee in Miami. *UNHCR/L. Solmssen*

out. "We have offered some suggestions as to how this could work," Rusch said. "The bottom line is: yes, we are prepared to help--to the extent that we can."

Private Groups Support UNHCR Request

InterAction responded positively to UNHCR's request, proposing not only 1,500 admissions places for vulnerable refugees in FY 92, but also recommending that "U.S. processing guidelines and priorities be formally expanded to include this category of cases." Such a move, MRA members said, would set "a new humanitarian standard for the rest of the world to follow."

Robert DeVecchi, executive director of the International Rescue Committee (IRC), told Refugee Reports that the proposal is "a declaration of concern and intent, and a reminder to the Administration not to get so caught up in the larger resettlement programs such as those for Soviets and Southeast Asians that we forget that refugee admission programs are made up of individuals in special need--who may be located anywhere in the world."

MRA member Don Hammond, director of World Relief, told Refugee Reports, "I think the real issue is that the U.S has different priorities for resettlement than does UNHCR. Although that's as it should be--UNHCR should have a wider view of resettlement needs than any one country--we (PVOs) should strive to help our country broaden its vision. We should be telling our government that it should focus on these people [those identified by UNHCR] too."

Hammond added, "UNHCR has come a long way in identifying for resettlement countries who the real at-risk people are," and the United States can and should do more to help those individuals. "And, 1,500 is not a lot of people," he said.

Refugees at Special Risk Include Protection and Vulnerable Cases In its 1991 "Assessment of Global Resettlement Needs and Priorities for Refugees," UNHCR identified 75,620 refugees worldwide in need of resettlement for whom "no other option is available in an acceptable timeframe." (The 1992 figure is likely to be upward of 65,000.) For most of these refugees, resettlement is sought because they are in need of legal and/or physical protection due to:

° security threats in their country of asylum from persons connected with those involved in the refugees' persecution in their country of origin;
° threat of *refoulement* (forced repatriation) by the country of asylum;
° physical risk arising from armed attacks in areas where the refugee is located.

UNHCR also includes among those at special risk individuals identified as "vulnerable", for whom the organization seeks resettlement "as a form of humanitarian protection." The groups UNHCR considers to fall into the vulnerable category are:

° women-at-risk;
° victims of torture or violence;
° physically or mentally disabled refugees;
° refugees for whom appropriate medical treatment in the country of asylum is inadequate;
° longstayers for whom no other durable solution is in prospect.

The One-Percent Solution According to UNHCR's Troeller, "Resettlement is the third and last resort in terms of durable solutions.... In 1990, of the world's global refugee population of 15 million, UNHCR requested resettlement assistance for just under 150,000 persons or approximately 1 percent of the total." Yet, of these 150,000, only 52,000 were actually resettled. "This represents a 65 percent shortfall in meeting stated needs," Troeller said.

In 1990, ten countries worldwide announced formal resettlement quotas that provided 156,800 places for refugees. Of those, 96 percent were offered by just three countries: the United States (125,000), Australia (14,000), and Canada (13,000). But only a minority of those resettlement places went to refugees identified by UNHCR as being at special risk. The United States, for example, admitted 122,325 refugees in FY 1990, but only 24,460 of those were from among the 150,000 refugees identified by UNHCR as in need of resettlement.

There are several reasons why at present only a minority of the refugees identified as in need of resettlement by UNHCR are accepted by these countries.

First, many of the refugees for whom UNHCR seeks resettlement fall outside the three countries' established criteria for resettlement. According to Troeller, the United States, Canada, and Australia are "traditional immigration countries.... and consonant with their immigration policies there is a marked, if understandable, preference to admit persons with potential for rapid integration."

Secondly, these countries also admit "a considerable number of persons under refugee quotas whom they process independently of UNHCR," Troeller said. Many of those processed independently of UNHCR, he added, are resettled directly from within their country of origin and, while meeting the resettlement country's national definition of "refugee," are viewed as immigrants by UNHCR because of the provisions of the UN refugee Convention defining a refugee as a person "outside the country of his nationality."

UNHCR is now looking to the major resettlement countries to resettle more of the refugees identified by the organization as being at special risk. According to Troeller, "what we would like is for a limited number of slots for vulnerable refugees to be integrated into the priorities that the major resettlement countries set."

The Most Vulnerable Refugees Are Often Bypassed by Resettlement System The number of "vulnerable" refugees is not large. Of the 75,620 refugees worldwide UNHCR identified in 1991 as at special risk and in need of resettlement, only 959 cases are refugees who fall into the vulnerable category (the total number of individuals, including family members, is 3,357). The regional breakdown of these 959 cases is: Africa: 135; Europe: 20; Latin America: 6; Middle East and Southwest

Asia: 148; Southeast and East Asia: 650.

Despite their low numbers and urgent needs, if the experience of 1990 is repeated, only about a third of these vulnerable refugees may be accepted for resettlement this year. In 1990, of 1,400 cases of vulnerable refugees for whom UNHCR sought resettlement, only 450--less than a third--were accepted for resettlement. Since 1973, an average of 300 vulnerable refugees (plus families) per year have been resettled under special programs for vulnerable refugees, while a similar number have been accepted for resettlement through regular channels.

The emphasis that the major countries place on refugees' ability to integrate rapidly hinders the chances of vulnerable refugees, some of whom may require extra medical help or social services. According to UNHCR, "Year after year UNHCR notes with concern that a great number of seriously disabled and ill refugees, suffering from physical and psychological problems. . . remain in first asylum countries where neither treatment nor viable solutions can be offered them." The refugees' situation is made worse because, as a result of its financial crisis in recent years, UNHCR's ability to pay for medical treatment is limited "only to life threatening situations and to preservation of vital functions."

UNHCR also expresses concern about the reluctance of resettlement countries to accept refugees with mental health problems. These include a small number with severe psychiatric disorders. The majority, however, are individuals who according to UNHCR "suffer from temporary reactional conditions." UNHCR contends that "their problems either disappear spontaneously upon arrival in a resettlement country or are resolved with minimal psychological or community support." Yet they are often rejected by resettlement countries reluctant to consider them differently from chronic psychiatric patients.

Victims of Torture Are Among the Difficult-to-Resettle Refugees According to UNHCR, the specialized treatment that refugees suffering psychosomatic consequences of torture or other forms of violence require is "nonexistent" in the countries of first asylum where most live. Yet, while such specialized treatment is available in most resettlement countries, these countries generally group torture victims with those suffering from mental disorders and deny them resettlement. In fact, a disproportionate number of torture victims and other vulnerable refugees are resettled in a few countries with small resettlement programs, primarily the Nordic countries (Sweden, Norway, Denmark, and Finland), Switzerland, and the Netherlands.

Problems of Refugees with Medical Needs Not Insurmountable Asked if the absence of a national health care system in the United States is a factor in the resettlement of vulnerable refugees, the State Department's Rusch said, "It is definitely a factor." She noted that the Nordic countries, while offering few resettlement places, include many vulnerables among those they do resettle and have national health care systems that facilitate offering services to vulnerable refugees.

Hammond noted that a majority of refugees at special risk are protection cases and do not require any different resettlement assistance, and that while medical and mental health cases are more difficult, the problems involved in meeting their particular needs are not insurmountable. "It is definitely harder to resettle a medical case," he told Refugee Reports, "But I don't think this small number of people would break anybody's back. We already resettle medical cases--including very difficult ones--from those countries that the United States identifies as priorities for resettlement. We should help respond to the medical resettlement cases UNHCR identifies in other countries."

IRC's DeVecchi agrees. He said, "It is more difficult [resettling medical cases], but I don't think resettlement agencies shun it." DeVecchi noted that many local groups have expressed a willingness to take on more difficult resettlement cases.

Rev. Sid L. Mohn, executive director of Travelers & Immigrants Aid of Chicago, which is actively involved in refugee resettlement, told Refugee Reports, "In Chicago, we work with a number of asylum seekers who are 'vulnerable,' particularly through our Kovler Center for the Treatment of Survivors of Torture. We have found a significant, positive response from the voluntary community to the special needs of these individuals--who are facing or have faced desperate situations. The Illinois Psychological Association has contributed mental health resources to assist in our work, and physical therapists and physicians have also responded to our requests for assistance."

BRITAIN AND HONG KONG TO SEEK HOLDING CENTER IN VIETNAM

Vietnamese boat arrivals virtually have stopped in every country in Southeast Asia except for Hong Kong, where more than 5,000 asylum seekers arrived in the month of May alone. This new and unexpected surge, coupled with a declining interest in voluntary repatriation, has prompted the British and Hong Kong governments to seek new ways to secure international consensus, and particularly the agreement of the United States and Vietnam, on the involuntary return of screened-out refugee applicants.

The idea that Britain and Hong Kong have proposed, is to engage in bilateral discussions with the Vietnamese government on the establishment of an "internationally managed center" for the screened-out inside Vietnam to be operated possibly by the UN High Commissioner for Refugees (UNHCR).

In other words, what Britain and Hong Kong may be seeking, in order to circumvent continued U.S. opposition to forced repatriation to Vietnam, might be described, at least euphemistically, as the non-voluntary return of non-refugees to a non-Vietnam.

Three Governments Hold Talks On June 3 and 4, senior officials from the United States, Britain, and Hong Kong met in Washington, D.C. "to explore measures that could encourage greatly accelerated rates of return to Vietnam of those determined not to be refugees," according to a joint statement issued by the three governments following the meeting.

The United States indicated that it would not object to bilateral talks between the British and Hong Kong side and Vietnam which, the statement said, "could consider the establishment of an internationally managed center on territory provided by Vietnam for those asylum seekers who are determined not to be refugees and who have not taken advantage of the existing voluntary return programs."

The discussions on establishment of such an "internationally managed center" would involve consultations with both the UNHCR and the International Organization for Migration (IOM), the statement said.

While the U.S. government insisted that this agreement did not constitute any change in its policy of opposition to involuntary return to Vietnam, Hong Kong officials hailed the agreement as a breakthrough.

"We welcome this as a positive step toward resolving this very difficult problem we've faced for 16 years," Clinton Leeks, Hong Kong's refugee coordinator, told the New York Times. "It's not a solution in itself, but it is a step toward achieving one."

A total of 10,472 boat people have arrived in Hong Kong between January 1 and June 9, more than three times as many as arrived in the same period last year. Equally alarming to some Hong Kong officials is the fact that Vietnamese seem to have stopped going anywhere else in the region. In May, for example, when more than 5,000 Vietnamese sought asylum in Hong Kong, only 29 Vietnamese boat people arrived in Thailand, and similarly small numbers were projected in Indonesia, Malaysia, and the Philippines.

Regional Holding Center in Vietnam or Detention Camp? The idea of an internationally managed center for the screened-out in Vietnam itself has been greeted cautiously by members of the Vietnamese refugee community. "We don't have enough information to make any final decisions," said Thang Nguyen, executive director of Boat People S.O.S., Inc. "Our basic reaction is one of caution, but we would not oppose the idea if certain principles were maintained. First, any repatriation to such a center must be strictly voluntary. Second, there must be iron-clad guarantees that the center will be managed and controlled by the international community, not the Vietnamese government. And third, screening in Hong Kong must be improved. But if forcible repatriation is involved, then we would oppose it."

Daniel Wolf, a Washington attorney who has worked extensively with Vietnamese asylum cases in Hong Kong, takes a similarly cautious view. "The center would have to be a kind of 'free-zone' leased to, and controlled by, the international community with a significant degree of sovereignty ceded by Vietnam for an indefinite period of time. Without that, at best, you would have created nothing different from the current situation and at worst, you would have a detention center in Vietnam."

"But if the conditions of international control and autonomy could be secured," Wolf told Refugee Reports, "then a center in Vietnam would not be far from the concept of a regional holding center for the screened-out. Such an arrangement, even if it involved an aspect of coercion in relocating people, might be more satisfactory than keeping people in the dangerous, penal-like environment that exists now in Hong Kong."

Since June 1988, all Vietnamese arriving in Hong Kong have been subjected to a screening process intended to separate refugees with a well-founded fear of persecution from other emigrants. Those who are granted refugee status are permitted to seek resettlement in another country, while the screened-out have been encouraged to return home voluntarily or face the prospect of long-term confinement and, possibly, involuntary return.

The Vietnamese detention camp population in Hong Kong stands at nearly 47,500, of whom 30,500 are awaiting screening and almost 17,000 have been screened out. Another 6,700 Vietnamese who have been granted refugee status are living in open camps until they can be resettled.

HOUSE SUBCOMMITTEE CUTS REFUGEE CASH/MEDICAL ASSISTANCE IN HALF

On June 6, the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, chaired by Rep. William H. Natcher (D-KY), approved a spending bill that would cut refugee cash and medical assistance (RCMA) funds in half for FY 92, in an effort to "phase out" the RCMA program by March 1992, according to a subcommittee report accompanying the budget bill.

The House bill would reduce the annual budget for the Office of Refugee Resettlement (ORR) to a total of $293.7 million. The FY 91 appropriation for ORR, and the Adminstration's budget request for FY 92, was $410.7 million.

In the House subcommittee's bill, all other line items in the ORR budget other than cash and medical assistance--including social services, the voluntary agency matching grant program, preventive health services, and targeted assistance--would be funded at the 1991 level.

"The Committee's decision to recommend termination of cash and medical assistance effective March 31, 1992 was an extremely difficult one," said the House report. "It is driven principally by the critical shortage of funds...in FY 92." The report noted that "many refugees continue to be eligible for AFDC [Aid to Families with Dependent Children], Medicaid, and other public assistance programs on the same basis as other citizens."

Another factor influencing the subcommittee's decision, said the report, was "the fact that the Refugee Assistance Act has not been reauthorized since 1988 and that no authorization has passed the House during this Congress."

"Three years is a long time for any federal program to go without even an attempt at reauthorization," an informed source told Refugee Reports. "There is no way to assess the current level of support in Congress" for the refugee resettlement program. A spending bill that challenges the status quo, the source suggested, could spur the Judiciary Committees to report out a Refugee Act re-authorization bill this year.

"Should an authorization become law for 1992," the House report noted, "the Committee will reconsider this recommendation" to phase out refugee cash and medical assistance programs.

In a joint letter to Rep. Jamie L. Whitten (D-Miss.), chairman of the full House Appropriations Committee, the directors of 11 voluntary

ORR Program	FY 91 (actual)	FY 92 (Subcomm. mark)
Refugee Cash & Medical Assistance	$234 million	$117 million
Refugee Social Services	82 million	82 million
Voluntary Agency Matching Grant Program	40 million	40 million
Targeted Assistance	49 million	49 million
Preventive Health	5.7 million	5.7 million
TOTAL	$410.7 million	$293.7 million

resettlement agencies said that the subcommittee's funding cuts, "if permitted to stand, will have severe consequences for refugees who hope to resettle in America. The state-administered programs will have to reduce income assistance to refugees from the current 12 months after arrival to six months or lower. Unaccompanied refugee children program services, provided by foster care agencies across the nation, will suffer."

The resettlement agencies, all members of the InterAction committee on migration and refugee affairs, recommended that the House Appropriations Committee ideally should provide $546.4 million for domestic refugee resettlement programs in FY 92, and "at minimum," the $410 million requested by the Administration.

TPS DEADLINE CAUSES FLURRY OF ACTIVITY

As this issue of Refugee Reports went to press, a decision had not been reached that would extend the registration period for temporary protected status for Salvadorans beyond June 30. But as the end of the registration period approached, there was a flurry of activity centered in Washington to extend TPS, as well as intense outreach efforts among the Salvadoran community nationwide to encourage eligible people to register.

On June 18, the House Judiciary Committee took a big step in the direction of an extension by approving a bill that would extend the registration period by four months. An amendment introduced by Rep. Bill McCollum (R-Fla.) to reduce the extension from four to two months was voted down.

The bill, H.R. 2332, was scheduled for a vote on the House floor on June 25. The vote will come under a procedure known as "suspension of the rules" by which a straight up or down vote will take place without debate or amendments. However, in order to pass in this way, the bill requires a two-thirds majority. If it passes the House, it will then be "held at the desk" at the Senate, which means, with "unanimous consent," it can be brought forward for a floor vote without first going through committee.

"We are hopeful and optimistic," said Jim McGovern, an aide to Rep. Joe Moakley (D-Mass.), who introduced the House bill.

If the advocacy effort goes as planned, a Congressional vote may be unnecessary. "I expect the Administration will support an extension of some kind before the House votes on Tuesday," said Rick Swartz of Swartz and Associates, a public policy consulting and advocacy firm in Washington.

Court Activity Movement stepped up on the judicial front as well. On June 12, federal district Judge David F. Levi expanded to the Los Angeles district his injunction on fee waivers for indigent Salvadorans. His prior ruling on June 2 had applied only to the San Francisco district (see Refugee Reports, Vol. XII, No. 5).

The Last Minute Surge As the deadline neared, large numbers of Salvadorans began to come forward. "It has been an avalanche, unbelievable," said Madeline Janis, executive director of CARECEN in Los Angeles. She said that her office has been processing 300 persons per day for three-to-four weeks and has been turning away 200 more people per day "because we can't handle them."

Janis said that every day by 6:00 am, there is a line halfway down the block outside their office. Since Judge Levi's injunction on waivers, said Janis, between a quarter and a third of the applicants have applied for waivers.

She also said that full families are coming forward for the first time in response to the family cap on fees (see Refugee Reports, Vol. XII, Nos. 1 and 5). "We now have a clown giving out balloons and apple juice to the children," she said.

Projects and Programs

SPREADING THE WORD: HOW REFUGEE-SERVING AGENCIES USED STAFF TRAINING TO GET MORE RESOURCES

by David S. North

"Staff training session." Are these the three dullest words in the English language? Not necessarily. Refugee-serving staff training sessions recently have included:

° a fire being set, deliberately, in the middle of the training room floor by the visiting fire-safety speaker;

° a visit, all in one morning, to a new Buddhist temple among the sugar cane fields of Louisiana and to a nearby, state-of-the-art clothing factory;

°changing the interpretation of the rules that newly arrived refugees secure food stamps more quickly and have a better chance for subsidized housing.

These stories came to light as a result of the decision of ORR's Region VI (Arkansas, Louisiana, New Mexico, Oklahoma and Texas) to stress the availability of non-refugee-specific programs that can help refugees. That is a useful, but abstract concept. To make it work, one must see to it that information about these numerous, often complex programs gets to refugees who can make use of them.

In order to reach that goal, Region VI decided to encourage its refugee-serving agencies to plan year-long staff training programs as well as community outreach sessions on these subjects. The in-service training would give information on these mainstream programs to the staff for transmission to refugee clients while the outreach sessions could be used to transmit the information directly to the refugee communities. The Center for Skills Development/TransCentury was contracted to help the agencies construct these plans, and the author of this report served as the trainer.

What was learned in this process? A lot. Some of it expected--agencies that took the idea seriously gained a great deal, and those that did not gained little--and some of it unexpected. For example: many government officials in agencies that would appear to be light-years away from the refugee program, knocked themselves out to speak to refugee audiences. Further, when given a little encouragement, refugee agencies created their own programs covering a fascinating range of subjects, from crabbing regulations to cremation.

Finally, if securing information on non-refugee-specific programs useful to refugees is the objective of these activities, there are many helpful by-products as well, such as:

° Making New Allies The Multicultural Community Center in Dallas invited representatives of local organizations for the aging to participate in Cambodian and Lao New Year celebrations as a forum for describing mainline, government-sponsored programs for the elderly. The guests were moved by what they saw, and wanted to work with the refugee communities on a continuing basis.

° Alleviating Tensions Catching crabs in traps is a way to make money in rural Louisiana and many Vietnamese do it. The problem is that it is a highly regulated activity, and the Vietnamese often get stiff fines from the game wardens. The Vietnamese are not accustomed to such laws, and the uniformed, pistol-wearing wardens are not accustomed to the Vietnamese. Solution: the U.S. Catholic Conference-affiliated agency in Lafayette persuaded the crabbers and the wardens to meet in a neutral setting. While everyone was edgy as the meeting started, three hours (and much translation) later the game wardens and the crabbers were shaking hands and chatting with each other.

° Trading Benefits In Tulsa, a discussion at the YWCA on fishing and hunting laws resulted in an agreement between refugees and the fish and game department to encourage a specific local Vietnamese store to sell fishing licenses; the store would get some new business, the Vietnamese would have a chance to buy licenses in a familiar setting, and the game wardens would secure more compliance. Similarly, at a program on the 911 emergency number held by the Refugee Center in Oklahoma City, the visiting speaker offered a stack of 911 stickers for telephones in return for a list of bi-lingual refugees with telephones (for emergency translations).

y-product of these training sessions comes just before or after the meeting, when coffee is served and one-on-one conversations take place. Cards are exchanged, specific cases discussed, and somewhat distantly related matters are discussed. The number of black and Hispanic guest speakers provided a good opportunity for multi-ethnic networking.

Information Exchange on Government Programs The principal, direct benefit of the training programs was the transmittal of information about specific government programs that can benefit (or protect) refugees. There is room here for only a few quick examples of what refugee agencies learned that was new, at least to me:

° In New Mexico, refugees seeking government-provided health care can be picked up in vans for trips to the public hospital. This is in addition to the use of taxis by Medicaid-card holders.

° Speaking of Medicaid, the Refugee Center in Oklahoma City found that some refugees on cash assistance were turning down job referrals because they feared they would lose Medicaid. Usually, those refugees can take the job and (if it does not provide health insurance) stay on Medicaid for a transitional twelve months.

° The Asian American Community Service Association in Tulsa arranged a visit to the local housing authority to learn about the Section VIII subsidized housing program. There is not a single waiting list; there are many of them, with two tiers on each list -- federal priority cases on top, then all others. The public housing authority has one set of waiting lists, as do each of the other organizations in the area with subsidized units; each of these, in turn, has separate lists for the number of bedrooms needed, so it pays to be on as many lists as possible. The most likely way for a refugee family to get on the federal priority list is when two or more such families are living in a single apartment, and thus are living under unduly crowded conditions.

Organizing the Meetings There are lessons to be learned not only from the substance of these sessions, but also on how best to arrange the meetings.

First, agencies should schedule one or two regular meetings a month, each of which is devoted to a single topic. In one city, the agencies put on an all-day session with four speakers. Spreading it out makes more sense.

Second, paying visits to other agencies is highly effective. It shows the other agency that you are interested enough to come to their offices; it gives the staff first-hand knowledge of the other agency; and often it is a lot more memorable to the staff than a visiting speaker.

A third lesson to be learned is that when it comes to visiting speakers, strangers are probably more useful than staff members. Some training sessions included staff members talking about their area of specialty or about their visits to other agencies. The problem with this approach is that you cannot make new allies nor experience the stimulation of contact with a new personality.

Fourth, it is useful to think broadly about the subjects to be discussed at these programs; think about the real concerns of the community, not the government agencies listed in the blue pages of the phone book. For example, the Dallas agencies put on a crime-prevention program focussed on defending yourself in a rough neighborhood, and the refugee agency in Fort Smith, Arkansas invited a local undertaker to discuss cremation, a traditional funeral technique used in the homeland.

Finally, think about staff skills as well as the exchange of information. Staff training at the Tulsa Y, for example, has included learning how to fingerprint people for the Green Card, and in Lafayette, the staff was trained to use Polaroid cameras for ID photos.

Choosing Speakers, Avoiding Pitfalls There are pitfalls to avoid in choosing guest speakers for training sessions. For example, in a meeting in Oklahoma City, I asked the Internal Revenue Service to send someone to discuss earned income tax credits, a very useful program for many low-income refugees. What I failed to do was specify that I wanted one speaker. We got three, each of whom wanted to talk about her subspecialty, and each of whom brought six to ten pieces of literature (much of marginal value to that audience).

In another instance, we heard speakers (about Section VIII) who told us exactly what their own segment of the program did, without focussing on the broader issue at hand -- how can we help refugees find subsidized housing.

In short, it helps if an agency invites a speaker of high enough rank to see his or her own agency's whole program in the context of refugee needs. Do not be shy; ask the boss of the agency to come visit the refugee program.

In many cases, we found that outside agencies were delighted to come talk to a refugee audience on fairly short notice, and often had no previous contact with refugee groups. A good example was the Oklahoma City Fire Marshall, who lit--and put out--the fire on the floor of the Refugee Center, as part of an all-day Saturday session put on by the New Lao Friendship Club to introduce the Lao to various law enforcement and public safety programs.

Another pitfall may be hidden agendas on the parts of speakers, which are not always easy to spot in advance. The crime fighting lady who put on a dynamite presentation, also came to sell mace to the audience. I suspect that one of the private-for-profit vocational schools encountered in one of the states, was also interested in sales.

It is important, in short, to manage visiting speakers at these sessions. If possible, find out from others who is a good speaker at a given organization. When the invitation is extended, ask for someone who can cover all the agency's programs. When the speaker is identified, call him or her and say what the group wants to hear about. Follow this up with a letter saying the same thing, and then repeat it again when the speaker is introduced at the staff session.

Two final observations: 1) It is useful to bear in mind that there are regulatory programs which may be as helpful to refugees as the service programs mentioned above. Several agencies had useful meetings with two arms of the U.S. Labor Department, the Employment Standards Administration, which enforces the minimum wage and overtime laws, and the Occupational Safety and Health Administration (OSHA), which regulates work-place safety. 2) Only once in this long series of sessions did I hear a mention of the Targeted Jobs Tax Credit program. This can be a significant help to job developers as they seek jobs for refugees who also qualify for this program (such as people on cash assistance or low-income refugees aged 18 through 22.) Private for profit employers who hire eligible people can reduce their federal corporate tax by as much as $2,400 by employing these workers. That is quite an incentive.

While the utility of these kinds of staff training and community outreach programs are not new to the refugee-serving agencies in Region VI, and while all such programs are not of equal value, my sense, after five weeks touring the Region, is that these programs are generally stimulating to the staff and ultimately useful to the refugees. I certainly learned a great deal in this process, both from the refugee-serving agencies and from the visiting speakers.

David North works on refugee and immigration matters with Washington's TransCentury Foundation.

PORTLAND FORMS A TEAM TO STOP GANG ACTIVITY

Since May 1987, the city of Portland, Oregon and Multnomah County have witnessed a dramatic increase in the number of gang-related incidents and in the number of youth reporting gang membership, according to the Juvenile Justice Division in the Multnomah County Department of Human Services. In a 1990 report, the agency cited "a noticeable increase in hate crimes and White Supremacy influences, specifically through Skinhead gangs. Southeast Asian youth gangs became increasingly active in violent, weapons-related crime and organized, vehicle-related crime."

Initial responses by the division focused on prosecution and detention measures but failed, the report said, "to direct its approach toward a comprehensive response that included networking with law enforcement, prosecution, schools, and the community." It took a drive-by shooting involving three carloads of Vietnamese gang-members in late 1989, to galvanize the division into forming a Gang Resource and Intervention Team (GRIT), with one of its focuses being on Southeast Asian gangs.

GRIT targets youths who have been found guilty of a gang-related crime--it could be anything from theft to attempted murder--and are on probation. Juvenile Court counselors define a gang as "three or more people who meet on a regular basis to commit crimes."

Youth who violate their probation can be ordered by the court into short-term detention. But rather than just lock these kids up, GRIT wants to teach them something.

One primary component of the GRIT effort has been the development of a 30-day, skills-building curriculum to "lead youth toward more positive roles in the community and away from the youth gang subculture." The curriculum focuses on six core components--violence prevention, survival, emotional wellness, image building, cultural awareness, and health-related skill building.

From six in the morning to eight at night, a group of about 12 kids goes through an intensive series of educational programs and counseling sessions. Half the day is spent on a regular school curriculum. The other half is devoted to group activities, ranging from role-playing exercises in conflict resolution, to job training and job search, to a course on "street law," adapted from a program developed by Georgetown University.

Thach Nguyen, a Vietnamese Juvenile Court counselor, has worked with two groups of 12 Southeast Asian youth. "We try to teach these kids some healthy alternatives to violence and criminal behavior," said Thach. "We know the program is successful, because the kids on our caseload are not committing crimes."

Another counselor, Larry Harding emphasized that, when the 30-day program is over, GRIT staff help their graduates with job placement, as well as referral to drug and alcohol treatment programs or group homes when necessary. "We also keep track of the kids with weekly group meetings and by following up with families, employers, the police, the district attorney's office, schools, and community-based organizations," Harding said.

"The first step is to acknowledge the problem," Harding told Refugee Reports. "The gang-member's best friend is denial. In most cases, the community will deny everything until there is blood in the streets."

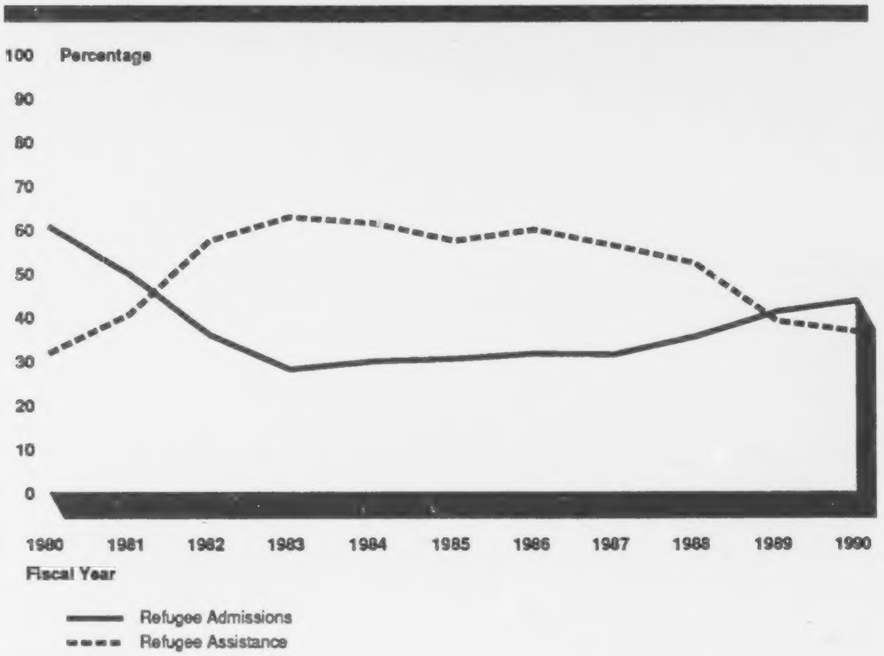
For more information on GRIT, contact Thach Nguyen or Larry Harding at the Juvenile Court District Office, 4815 N.E. 7th, Portland, Oregon 97211. Tel. (503) 248-3978.

Job Board

Director of Finance and Administration Lutheran Immigration and Refugee Service seeks person to manage accounting, budget preparation, and fiscal development. Seeking candidates with degree in accounting, at least five years experience in financial management. Salary negotiable.
Contact: Ralston H. Deffenbaugh, executive director, LIRS, 390 Park Ave., South, New York, NY 10016.

Assistant Legal Counselor The UN High Commissioner for Refugees (Washington, DC branch office) seeks person to counsel asylum seekers, monitor judicial decisions, and draft comments on U.S. government refugee policies and procedures. Seeking law degree or related experience, competency in Spanish or French preferred.
Contact: Fernando Chang-Muy, UNHCR, 1718 Connecticut Ave., NW, #200, Washington, DC 20009.

RELATIVE PERCENTAGE OF U.S. REFUGEE FUNDING FOR ASSISTANCE AND ADMISSIONS



Source: U.S. General Accounting Office.

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BETTER LATE THAN NEVER? CONGRESS LOOKS AT REAUTHORIZING THE REFUGEE ACT OF 1980

In the eleven years since passage of the Refugee Act of 1980, the United States has spent more than $6.6 billion to resettle 1.1 million refugees from around the world. During that time, however, Congress has reauthorized the act only twice. The most recent authorization expired in 1988. In a period of soft job markets and shrinking federal dollars, many are looking to Congress to revitalize the U.S. refugee program even as they are wondering just how much support that program, as embodied by the Refugee Act, really enjoys.

"Revisions to our resettlement system are needed" in order that "we can do more with less," said Sen. Edward M. Kennedy (D-Mass.) in opening a July 11 Senate hearing on reauthorizing the Refugee Act. In the last five years, federal funding for domestic resettlement programs has been cut in half, and payments to states for refugee cash and medical assistance have been trimmed by two-thirds or more.

"Clearly, this trend cannot continue," Kennedy said, "and still permit the United States to remain a leader in international refugee assistance." Reforms were needed, he said, to carry out resettlement "more effectively and without significant new funding."

But what aspects of the resettlement program most need reforming? Will change necessarily bring improvement? Should reforms be mandated in the Act or should they come about through regulatory revisions? What is the proper mix of national direction and local discretion? Just what is meant by self-sufficiency, anyway? And does a national consensus exist on any of these questions?

Seeking some answers, on May 31, the National Immigration, Refugee and Citizenship Forum convened a meeting of more than 50 key players in refugee resettlement, including voluntary agencies, mutual assistance associations (MAAs), and state and local governments.

There was "widespread agreement" on the goal of economic self-sufficiency for a refugee family within a one-year initial resettlement period, according to a July 2 memorandum on the meeting issued by the National Forum.

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As Congress prepares to reauthorize the Refugee Act of 1980, it is considering changes in the approach to refugee resettlement. Court Robinson examines the various reform proposals 1

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Participants further agreed that "cash and medical assistance will need to be fully funded for the twelve months," the memo said. "The need for case management and a single point of accountability...was widely accepted."

"Some people felt the program needed more fixing than others," executive director of the National Forum, Frank Sharry, told Refugee Reports. "But there was a critical mass who wanted to come up with an affirmative program of reform."

There was "serious disagreement," however, Sharry said, on the question of who controls the resettlement process, specifically, who plays the role of case manager. "People generally could agree that case management is needed, but not who does it, or who decides who does it."

Even if consensus on change can be reached, reforms may come too late to preserve a national resettlement program, some are saying, if Congress does not restore a $117 million cut in the Office of Refugee Resettlement (ORR) FY 92 budget, which passed the House on June 26. (See Refugee Reports, Vol. XII No. 6.) Without that money, funds for refugee cash and medical assistance could be exhausted by March 1992, and a number of states have threatened to withdraw from the ORR program.

Even if the funds are restored, ORR still could face substantial shortfalls next year, given the widespread speculation that the FY 92 refugee admissions ceiling will be 131,000 or higher. In February, the Administration submitted an ORR budget request for $410 million to resettle 121,000 refugees. Most of the additional numbers are expected to be used for admissions from the Soviet Union.

More Money, Say the States The federal/state partnership established by the Refugee Act "is in tatters and...the resettlement program is a mere shadow of its former self," said Sen. Bob Graham (D-Fla.), speaking before the Senate Subcommittee on Immigration and Refugee Affairs, which Kennedy chairs. "The funding level for the domestic resettlement program has been erratic and has not kept pace with the surge in admissions," Graham said. "The result is a clear pattern of shifting costs to the states that are undeniably a federal responsibility."

In FY 85, the United States admitted 68,045 refugees, and ORR assistance averaged about $6,700 per refugee. In FY 90, a total of 119,317 federally funded refugees and Amerasian immigrants were resettled, with ORR assistance averaging $3,100 per refugee.

According to calculations made by the National Governors' Association (NGA), since FY 89, states have been obliged to pick up an average of $100 million per year in refugee cash and medical benefits that previously had been covered by the federal government.

NGA has recommended that Congress appropriate $618 million for resettlement programs in FY 92, based on a projected admissions ceiling of 141,000.

Graham offered three ideas on Refugee Act reauthorization intended to "shore up the federal/state partnership and entice the states to continue their participation in the federal refugee program."

First, Graham said, "There must be a link between the level of domestic resettlement funding and the level of refugee admissions. If the federal government is unwilling to fund the necessary resettlement services, then it is incumbent on us to decrease the level of admissions." In boosting refugee admissions ceilings even as it cuts resettlement budgets, the federal government is playing "humanitarian and Scrooge" at the same time, he said.

Second, noting that "budget requests bear little relationship to admissions proposals," Graham suggested that admissions ceilings for the pending fiscal year should be established by June 1. "This should give Congress adequate notice to arrive at more realistic funding levels."

Finally, Congress should establish a "Refugee Emergency Fund" to provide domestic resettlement funding for emergency admissions, Graham said.

More of the Same (More or Less), Says the Administration In the face of significant budgetary constraints, "the flexible nature of the Refugee Act of 1980 has worked well over the last decade," said Jewel Lafontant-Mankarious, U.S. Coordinator for Refugee Affairs, in her Senate testimony. "The Administration does not recommend changing [it]."

SUMMARY: The Refugee Act of 1980

The objectives of the Refugee Act of 1980 are "to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted."

The Refugee Act of 1980 established the definition of a refugee as:

> *any person who is outside any country of such person's nationality...and is unable to or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion....*

Under this act, the President was given the authority to:

- Determine and extend refugee status
- Assign the number of refugee arrivals permitted each fiscal year
- Exceed the number of refugee arrivals due to emergency situations
- Report to and consult with Congress concerning the number and allocation of expected arrivals
- Initiate appropriate consultations between members of the House and Senate Judiciary Committees and representatives of the President
- Appoint, with the consent of the Senate, a U.S. Coordinator for Refugee Affairs responsible for the development of admission and resettlement policy and the coordination of these programs.

The Attorney General was given the authority to:

- Regulate asylum procedures
- Extend refugee status to individuals
- Adopt waivers for refugee status
- Terminate refugee status
- Deport individuals whose refugee status has been terminated
- Allow individuals to be paroled into the U.S. on grounds of humanitarian or public interest

The Department of State was authorized to implement programs for refugees awaiting entry into the United States and to contract with public or private nonprofit agencies for initial reception and placement services, including the provision of food, clothing, shelter, and transportation.

The Office of Refugee Resettlement (ORR) was established as part of the Department of Health and Human Services as the administrative body for refugee resettlement. ORR was authorized to make grants and contracts with public and private agencies for:

- Job training and employment services
- English language training
- Health and mental health services, social services, educational and other services
- Special education for refugee children
- Care and placement of unaccompanied refugee children

ORR was also authorized to cover up to 100 percent of the cash assistance and medical assistance provided to refugees during their first 36 months in the United States.

As part of the Fish-Wilson amendment to the Refugee Act adopted in 1984, the Secretary of Health and Human Services was given the authority to develop alternative resettlement programs aimed at achieving early economic self-sufficiency for eligible refugees and reducing welfare dependency rates. These programs may include:

- Alternative methods for providing interim cash support
- Alternative methods for providing medical services
- Alternative methods for providing case management

Adapted from: National Immigration, Refugee and Citizenship Forum

This theme was echoed by ORR Director Chris Gersten. "We believe that the Refugee Act is serving the interests of our country well and that substantive changes are not required," he said. "Program improvements can be done under existing program authority."

One new approach ORR was looking at, Gersten said, "would require states to establish numerical self-sufficiency goals as measured by welfare terminations and grant reductions due to increased employment, and allow states greater latitude in how they achieve these goals, by waiving certain ORR program requirements." This approach has worked successfully in ORR's Key States Initiative (KSI) project, Gersten suggested, in which four states--Minnesota, New York, Washington, and Wisconsin--have participated since 1987.

"Refugee resettlement has been effective in most states," according to an ORR options paper on reauthorization that has been circulated informally to a number of states and voluntary agencies. "Prolonged welfare dependency is a problem that is largely confined to 5 or 6 states: California, Massachusetts, Minnesota, New York, Washington, and Wisconsin. It is in these states where efforts...need to be directed, instead of redesigning the system in all states."

The welfare dependency rate among refugees who have arrived in the last two years is about 50 percent nationwide, Gersten said. "But that reflects the fact that California is 80 percent. If you take California out of the equation, you get down to 31 percent nationwide."

As a result of KSI efforts, the paper noted, Wisconsin had been able to reduce welfare dependency rates on the part of its predominantly Hmong population from 73 percent in 1988 to 54 percent in 1990. One of the key factors in this success story, said the ORR paper, "was the change in program focus to self-sufficiency goals, as measured by welfare grant terminations and grant reductions due to employment, and away from job placement goals only."

"What we would plan to do," Gersten said at a July 25 hearing of the House Subcommittee on International Law, Immigration, and Refugees, "is to institute what we call self-sufficiency guidelines and negotiate with each state refugee office an agreement in which--in exchange for the social service dollars and the targeted assistance dollars that we put in--they would get a certain number of refugees off of welfare, or [achieve] welfare reductions, or refugees would not go on welfare in the first place."

"And the states would then apply the same principle in contracts with each of their service providers.... This accountability does not exist by and large in the system now."

California Defends Itself California's refugee state coordinator, Walter Barnes, defended his state's record on refugee public assistance. "California is frequently perceived as the major problem state," Barnes said in Senate testimony, "based on the perception that there is 'too much' welfare dependency" among refugees who have resettled there.

To those who hold that view, Barnes offered a few statistics: "More than half of all refugees residing in California are not receiving any government assistance at all. This is almost 320,000 men, women, and children." Of the refugees on aid, 12 percent are aged, blind, or disabled, he said, and about 40 percent are eligible for the Aid to Families with Dependent Children (AFDC) program, which includes single-parent families, and ones with large numbers of children.

"The annual percent increase in the number of refugees on AFDC has been less than five percent per year," Barnes said. "In contrast, the AFDC caseload for all persons in California increased by 14 percent between July 1989 and November 1990."

An overhaul of the refugee resettlement program was not necessary, Barnes suggested, though he did call for "minor changes to the Act," including a requirement "that refugee appropriations be based upon actual costs and tied to the expected level of admissions, and that the authorization levels be adjusted accordingly."

More Case Management Control, Say the Volags In order for a refugee to achieve early self-sufficiency, "someone has to be in charge," said Wells Klein, executive director of the American Council for Nationalities Service in his Senate testimony. "There has to be a focal point of responsibility and accountability."

Reduction in Reimbursement Periods for Cash and Medical Assistance Programs since 1985

Date of reduction in reimbursement	Reimbursement periods (in months)		
	AFDC, SSI, and Medicaid for Refugees	Special refugee cash and medical assistance	General assistance for refugees
	36[a]	18[a]	19 to 36[a,b]
March 1, 1986	31	18	19 to 31
February 1, 1988	24	18	19 to 24
October 1, 1988	24	12	13 to 24
January 1, 1990	4[c]	12	0

[a] This was the reimbursement period before the first reduction.

[b] HHS reimbursed the cost of general assistance during a refugee's 19th through 36th months of residence in the United States.

[c] As a result of the amount appropriated for cash and medical assistance in fiscal year 1990, HHS expected to limit reimbursements to 4 month. However, available funds were insufficient to cover 4 months.

Source: General Accounting Office. Information on reimbursement periods before January 1, 1990, is from Refugee Resettlement Program: Report to the Congress, HHS, Family Support Administration, Office of Refugee Resettlement (reports dated 1986 through 1990). Information as of January 1, 1990, is from memoranda dated November 22, 1989, and September 24, 1990, from ORR to state refugee coordinators.

The "someone in charge," said Klein, should be a case manager, "a trained caseworker who develops a plan for self-sufficency with the family unit, including interim support as needed, the identification of barriers to self-sufficiency and services needed to overcome those barriers, and employment counseling and search."

"Case management," according to Klein, "is not a new concept in refugee resettlement. New elements are that it would be mandated, that it would operate from day one after the refugee's arrival, and that the providers of other services would be required to respect the case management plan."

"The case manager must have the authority to act as 'gatekeeper'," Karl Zukerman, executive vice president of the Hebrew Immigrant Aid Society, told the House subcommittee. "A gatekeeper has the ability to require the delivery of services needed to fulfill the goals of the resettlement plan he or she has developed with the refugee family, and to control the access of the refugee to services as appropriate."

Generally speaking, under the current resettlement system, new refugee arrivals are offered an initial 30 days of reception and placement (R&P) services provided by a voluntary agency under contract to the Department of State. Following this, refugees may avail themselves of a variety of ORR-funded services including English-as-a-second-language (ESL), job training and employment counseling, and public assistance.

Under the model proposed by the voluntary resettlement agencies, the refugee would be free to select these services in the first year, only if his or her case manager agreed that it was part of the resettlement plan.

Said Zukerman, "One person [is] responsible to make sure that the services that the [refugee] individual needs...are provided and that other services which are not needed aren't provided.... You can't get federally funded services if the gatekeeper says no."

In other words, if a case manager decided, for example, that a refugee's English ability was sufficient to secure an entry-level job, then ESL training would not be available to the refugee, at least for the first year in the United States. The same would hold true for other services, including public assistance.

If case management is mandated, another question arises: who is to do it? "It is our firm conviction that the case management functions should be allocated to the voluntary agencies at least on a right of first refusal," said Donald Hammond, director of World Relief, speaking to the House refugee subcommittee on behalf of InterAction's Committee on Migration and Refugee Affairs.

"This does not suggest that other service providers--private or public--are any less qualified," said Hammond. "Instead this conviction is based on the ability and commitment of the voluntary agencies to commit significant private resources over a long period of time and the need to insure that the goals and objectives are consistently followed from the beginning."

MAAs and States Have Other Views But the issue of case management, at least as it is being cast by the voluntary agencies, raises fundamental questions about control among some representatives of the refugee community. "I sense a tension and a lack of cohesion," on the issue of case management, noted Rep. Romano L. Mazzoli (D-Ky.), chairman of the House subcommittee on refugees and immigrants, referring to his panel of private witnesses comprising voluntary agencies and refugee MAAs.

"There is a need to centralize the system," said Dr. Tsehaye Teferra, director of the Ethiopian Community Development Council. "I have no disagreement with that. But we need to proceed with caution.... The MAAs and community-based organizations have a concern that they should not be excluded from that process."

Any legislative language on case management, suggested Le Xuan Khoa, president of the Indochina Resource Action Center (IRAC), "should recognize a role for MAAs as full partners in case management and other service areas."

Khoa also recommended that a "local advisory structure" be established that could "oversee both the decision-making process and implementation of the case-management system, and--if needed--can advocate on behalf of refugee families who seek redress."

The states also have their own views on case management. "One size doesn't fit all. It's simply not true that everyone needs case management," said Ron Spendal, refugee state coordinator for Oregon. "Volags play the role of 'gatekeeper' in our case management system because we wanted continuity with the R & P services. But Florida doesn't fund it at all, and Washington has a state-administered case management program."

More of a Stake, Say the MAAs The Refugee Act of 1980 prescribed a number of activities, agencies, and players in refugee resettlement, according to Vu Duc Vuong, executive director of the Center for Southeast Asian Refugee Resettlement in San Francisco. "Among these named players," Vuong said, "one finds the various levels of government and the voluntary agencies, but not the refugees or refugee-based agencies."

The Refugee Act should be revised, Vuong told the Senate subcommittee, to promote self-sufficiency not just on the part of refugee individuals but refugee communities as well. "It should become a priority, therefore, for the resettlement program to promote the development of organizations based in the new communities.

"This means that, all other things being equal, ORR should give precedence to community-based organizations in funding discretionary programs, and states should be required to do likewise," Vuong told Refugee Reports. "Obviously, MAAs would have to demonstrate performance capacity just like everyone else and be subject to ORR monitoring."

Other Ideas for Change Include Separation of Cash/Medical Assistance Numerous private witnesses at both the House and Senate hearings joined in what Mazzoli called a "steady drumbeat" of recommendations that medical assistance to refugees should be separated from eligibility for cash assistance.

"Concern about loss of medical coverage has been a major barrier to refugees accepting or being referred to employment," said Susan Forbes Martin, senior associate for the Refugee Policy Group. "Further, a major constraint in implementing new cash assistance approaches, particularly those involving private agencies, has been the fear of incurring large medical costs if refugees require treatment and are not eligible for Medicaid or other health insurance."

The U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS) recommended that refugees who have been in the United States for less than one year should be eligible for medical assistance, regardless of their employment status, so long as they meet certain income criteria.

In House testimony, MRS executive director, Rev. Richard Ryscavage, S.J., said Congress "should consider making refugees statutorily eligible for the regular Title XIX Medicaid program."

But statutory changes may not be necessary, Forbes Martin said. "The Refugee Act already provides language that would permit the Department of Health and Human Services to establish alternative eligibility requirements for medical assistance for refugees during their first 12 months in the country." Equity concerns, she suggested, have prompted federal officials not to invoke that provision.

ORR's Gersten declined to comment on the proposals to separate cash and medical assistance, saying that his office was still studying them.

Other recommendations on a list of what might be called perennial contenders included shifting the Office of the U.S. Coordinator for Refugee Affairs from the State Department to the White House, and upgrading the status of ORR, by moving it out of the Administration for Children and Families to a higher level within the HHS bureaucracy, possibly the Office of the Secretary.

Two Pilot Proposals on Refugee Welfare Reform The Congressional hearings on Refugee Act reauthorization generated a number of pilot proposals on reforming refugee welfare programs.

"We must restore the work incentive by allowing people on public assistance to work, full-time if possible, without losing all their benefits at once," said Vu Duc Vuong. "I propose that welfare grants be reduced by fifty cents for each dollar earned by the welfare client."

Vuong explained that in a household receiving $800 in welfare grants, when someone goes to work and earns a salary of $600, the grant would be reduced to $500. As salaries increased or as additional people in the household went to work, the combined salaries will exceed $1,600, thus making the initial cash grant of $800 obsolete.

Vuong suggested that the change be implemented "as a pilot program in just a few of the most welfare-dependent states. Should this concept prove to be adequate, it may be extended to public assistance as a whole."

If Vuong's model proposes to help refugees work their way out of the welfare system, other reform ideas want to keep them from landing there in the first place.

Ryscavage said, "The program we envision would provide income support, employment, and social and acculturation services, with expected results to include at least 75 percent of employable refugees in jobs within six months of their arrival and to be out of the local public assistance system."

Ryscavage suggested that through a combination of State Department and HHS/ORR funding, voluntary agencies in certain high-welfare communities would be provided an "Employment and Resettlement Grant (ERG)." He said, "Preliminary estimates suggest that a $1,500 grant would be required. This grant, coupled with availability of publicly funded medical coverage, would support resettlement and employment services for six months, without recourse to the refugee cash assistance program."

One-Year, "Straight-Line" Authorization Likely This Year Private witnesses at the House hearing were unanimous in their support for a one-year reauthorization of the Refugee Act without changes, but with the understanding that Congress would undertake a more systematic review in the second session of the 102nd Congress, which begins in January.

"We recognize that there are many interests involved in the program," said Ralston H. Deffenbaugh, Jr., executive director of the Lutheran Immigration and Refugee Service, "and a major statutory overhaul of the program may not be possible in the remaining weeks of the first session of the 102nd Congress."

But a "straight-line" reauthorization of the Refugee Act is needed, Deffenbaugh said, in order to demonstrate Congressional support for the refugee program and thus secure a restoration of the $117 million cut in the ORR budget voted by the House.

On June 26, the House passed the Labor, HHS, and Education appropriations bill (H.R. 2707), which would cut refugee cash and medical assistance funds in half for FY 92.

"The Committee's decision," said a House report accompanying the legislation, "is driven principally by the critical shortage of funds, particularly outlays, in FY 92." Another factor, the report said, was the fact that the Refugee Act has not been reauthorized since 1988 and that no authorization has passed the House during the current session of Congress.

"Should an authorization become law for 1992," the House report said, "the Committee will reconsider this recommendation" to phase out refugee cash and medical assistance programs.

The Senate Appropriations Committee has approved language in the Senate version of the Labor/HHS spending bill that would restore the $117 million to ORR on September 30, 1992, the very last day of the fiscal year. The bill is pending a vote in the full Senate.

Recent Developments

SALVADORAN TPS REGISTRATION EXTENDED

Although Salvadorans won a major victory on July 2, when President Bush signed into law a last-minute measure to extend by four months the registration period for temporary protected status (TPS), the celebration had barely quieted when a renewed controversy erupted over fee waivers for indigent applicants.

The extension of the registration period for Salvadorans until October 31 resulted from a hard-fought lobbying effort on the part of many organizations working with Central Americans and key members of Congress (see Refugee Reports, Vol. XII, Nos. 1, 2, 5, and 6).

On July 17, the Immigration and Naturalization Service (INS) published an interim regulation in the Federal Register, effective immediately, requiring that Salvadorans wanting to waive the TPS registration fees on poverty grounds would be required to submit an affidavit detailing income, assets, and expenditures for the three months prior to applying for the waiver. The affidavits also require applicants to provide additional information, such as the names, ages, addresses, and incomes of dependents, and give INS adjudicating officers the option of asking for pay stubs, W-2 forms, letters from employers, and proof of filing of local, state, or federal income tax returns.

"The regulation is harsh, unreasonable, and certain to dissuade Salvadorans from seeking fee waivers," said Angela Kelley of the National Immigration, Refugee, and Citizenship Forum, who has been coordinating comments from refugee advocacy groups to the interim rule.

The San Francisco Lawyers' Committee has sought a temporary restraining order against the regulation. Earlier, that group had won a court order in California to prevent the INS from denying fee waivers to Salvadorans whose income was below federal poverty guidelines (see Refugee Reports, Vol. XII, Nos. 5 and 6).

Ironically, the INS cites evidence submitted by the plaintiffs in that case as the rationale for the new regulation, namely, that between 60 and 80 percent of all Salvadorans in the United States have incomes below the public welfare poverty guidelines. "The registration fee required from the remaining 20 to 40 percent of the Salvadoran nationals will not cover the program's administrative costs as mandated by...the Immigration Act of 1990," said the INS's background note on the interim rule.

"The INS argument is made in bad faith," said Kelley. "We estimate that only 2 to 3 percent of all applicants apply for fee waivers."

As of July 29, a total of 142,777 Salvadorans had registered for TPS with 84.3 percent of the total almost equally divided between the Western and Eastern INS regions.

REFUGEE PROVISIONS IN THE FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 2621)

On June 19, the House of Representatives passed the foreign operations appropriations bill (H.R. 2621), which would provide $15.3 billion for foreign assistance, including the State Department's refugee programs, in FY 92. A Senate version of the bill is still pending.

MIGRATION AND REFUGEE ASSISTANCE

Appropriates $630,000,000 for Migration and Refugee Assistance in FY 92.

Earmarks: not less than $80,000,000 shall be available for Soviet, Eastern European, and other refugees resettling in Israel.

not less than $315,000,000 shall be available for overseas refugee programs.

not less than $1,500,000 shall be available for Tibetan refugees.

not less than $1,500,000 shall be available for voluntary repatriation of Hmong refugees from Thailand to Laos through nongovernmental organizations.

not more than $11,000,000 shall be available for administrative expenses of the Bureau for Refugee Programs in the State Department.

Report Language: "The Committee has been concerned for some time with the chronic underfunding of this account by the Administration.... The budget request for FY 92 substantially underestimates refugee problems and the Committee believes it is prudent to address the problem at this time, rather than in another supplemental."

Overseas Aid: "The Committee believes that $315,000,000 for refuge programs overseas is the minimum necessary to sustain basic life-support systems in refugee camps and settlements around the world.... The Administration's request of $233,400,000 to assist refugees overseas is based on an estimated population of 15 million refugees worldwide in late 1990. In fact, that was a low estimate."

Israel: "More than 180,000 Soviet Jews came to Israel in 1990--35,000 in the month of December alone.... Even during and after the recent war in the Persian Gulf, emigration has continued at levels that will result in at least another 100,000 arrivals this year.... Recently, almost 18,000 Ethiopians were air-lifted to Israel in a three day period."

Hmong: "The Committee remains concerned about the forced return from Thailand to Laos of Hmong and other highlander asylum seekers who are screened out..., [but] for some refugees, voluntary repatriation may be the best solution to their situation.... Refugee groups have indicated that a major constraint is the lack of monitoring and reintegration support presently available."

Tibetans: "China continues to repress the Tibetan people.... Refugees continue to flee Tibet in order to seek resettlement in India. They are assisted by the Central Tibetan Administration (CTA), under the leadership of the Dalai Lama.."

Unaccompanied Children: "The Committee supports efforts by the UN High Commissioner for Refugees to improve protection, supervision and treatment of unaccompanied minors awaiting processing by the Special Committees established under the 1989 Comprehensive Plan of Action."

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE (ERMA) FUND

Appropriates $50,000,000 to remain available until expended.

Report Language: "The authorization bill for funds for Iraqi refugees increased the authorization level of the [ERMA] Fund to $75,000,000 [from $50,000,000]. The funding in this bill reflects both the higher funding authorization for this account, and the need to be prepared to address additional needs in Africa, the Persian Gulf and other regions."

ASSISTANCE FOR BURMESE STUDENTS

Earmarks not less than $1,000,000 from the Agency for International Development for assistance to displaced Burmese students.

U.S. TO REVIEW ADMISSIONS POLICY REGARDING ETHIOPIANS

In an indication that the political changes taking place in Ethiopia will result in changes in U.S. admissions policy regarding Ethiopian refugees, a recent U.S. State Department telex said, "After the situation clarifies inside Ethiopia, presumably in the next 6 months, DOS [the State Department] will review the entire Ethiopian admissions program."

Already, the United States is not accepting applications for resettlement from Ethiopians who arrived in countries of first asylum after May 28, 1991, the date of the fall of the government of Mengistu Haile Mariam. The State Department telex stated that many Ethiopians who left their country after the Mengistu regime's fall were associated with the Mengistu government or military and thus "could likely be found ineligible for resettlement in the U.S. because of a previous history of persecution of others." The telex added, "Refugee processing posts can continue to accept and process applications from those Ethiopians who arrived in first asylum countries prior to the May 28 cutoff date under current processing priorities and guidelines."

Commenting on these new developments, Dr. Tsehaye Teferra, executive director of the Ethiopian Community Development Council, told Refugee Reports, "If things in Ethiopia stay calm, if there are no human rights violations, and if the policies that drove people to flee are removed, we are willing to accept the fact that there may not be a need for resettlement in the future."

"However," Dr. Teferra added, "The question now is, 'Have we reached that stage yet?' There is still uncertainty about how events will turn out. That's what's on people's minds."

Current Emphasis is on Departure of Those Already Approved According to Faye Richardson of the International Rescue Committee (IRC), which operates the Joint Voluntary Agencies (JVA)/U.S. Refugee Resettlement Office (USRRO) in Khartoum, Sudan, the USRRO's current priority is to complete the processing of Ethiopians already approved for departure by the INS. Richardson told Refugee Reports, "Because the State Department is eager to fill the Africa admissions numbers allocated for FY 91, USRRO is concentrating its efforts on getting those approved for departure to the United States." They include two groups: some 900 whom INS had approved before USRRO staff were temporarily evacuated from Sudan in January in the wake of the Gulf war; and more than 900 others who were approved when INS made an adjudication visit to Khartoum in early June. IRC hopes that most in the first group and at least some from the second group will depart for the United States by the end of FY 91. According to Richardson, in October, at the start of FY 92, "USRRO will resume full processing activities in Khartoum. Applications currently on file will be completed for presentation to INS and new applications for refugees who were in Sudan prior to the May 28 cutoff will also be accepted."

Potential for Repatriation The changes in Ethiopia have also prompted discussion in many circles regarding the potential for repatriation among Ethiopian refugees. On July 15, the UN High Commissioner for Refugees (UNHCR) signed a tripartite agreement with the governments of Ethiopia and Sudan that provides for the repatriation of some 50,000 Ethiopians, mostly former soldiers, who fled to Sudan following the fall of the Mengistu government and the capture of the Eritrean capital, Asmara (where many of the soldiers were based), by the forces of the Eritrean People's Liberation Front (EPLF). But the recent agreement sets the stage for discussion regarding the future repatriation of many of the estimated 700,000 Ethiopian refugees in Sudan--most of whom fled there during the Mengistu regime's rule.

A U.S. State Department source told Refugee Reports, "There is a good chance that people who left Ethiopia just to get out of the way of the fighting will go back in the course of the next year or two. A few thousand have gone back [from Sudan] already, and others have approached UNHCR regarding repatriation. Other more political or urban refugees (especially those with jobs in Sudan) will probably want to see not only how the political situation will unfold, but also what economic prospects they would have." The State Department source added, "There are some refugees, such as supporters of the Eritrean

Liberation Front (ELF) [an Eritrean faction from which the EPLF split off some years ago], who are unlikely to repatriate. Everyone agrees that there will be a need for continued asylum in Sudan."

U.S. Group Returning to Eritrea On July 30, a group of 360 Eritreans were scheduled to depart the United States on a charter flight bound for Asmara. Many of those on board are planning to visit relatives who they haven't seen in years or even decades, but some are planning to remain in Eritrea. (The EPLF has set up an administration in Asmara separate from the new Ethiopian government. Addis Ababa has agreed to abide by the results of a referendum on independence to be scheduled in Eritrea.) Those leaving on the U.S. charter flight, dubbed the "freedom charter," are the second group to return to Eritrea from outside Africa. A group of 72 Eritreans, mostly from Germany and the Netherlands, arrived in Asmara on July 10.

CUBAN ARRIVALS SURGE, U.S. HALTS NEW VISA APPLICATIONS

The apparent teetering of the Cuban regime, combined with its continuing repression and a dismal economy, have contributed to a dramatic surge in the numbers of Cuban arrivals in Florida. While the Cuban community and social service providers are gearing up to cope with the increased numbers, concerns are being raised that this could be a harbinger of an even more massive exodus--comparable to the Mariel boatlift of 1980--and the U.S. government has begun to take steps to stem the flow.

The most captivating of the new arrivals are the "*lancheros*," those who journey by boat and raft. As of July 29, a total of 1,307 *lancheros* have arrived this year, more than double the 467 Cuban arrivals for all of 1990. As many as half of the *lancheros* are lost at sea, according to groups monitoring raft and boat activity in the Florida Straits. The overwhelming majority of the survivors don't actually land on U.S. shores themselves, but rather are rescued at sea and admitted under humanitarian parole.

Less captivating, perhaps, but more dramatic in terms of numbers, are the 200 Cubans per day who arrive at Miami International Airport, mostly with tourist visas, on charter flights. Under the terms of the Cuban Adjustment Act of 1966, those who remain in the United States for a year may apply for permanent resident status. This includes *lancheros*, who are generally granted humanitarian parole, as well as those who overstay their visas.

U.S. Department of Transportation statistics show that 40 percent of the 14,674 Cubans who arrived on chartered airplanes in 1990 did not return to Cuba, according to the July 9 Miami Herald.

By the end of July, the number of nonimmigrant visa applicants had reached the breaking point. The reason for the increase is attributed to the Cuban government's recent lowering of age restrictions on exit permits to 35 for men and 30 for women (from 65 and 60, respectively). Cuba is also profiting from the exodus by charging about $1,000 per application, which a U.S. State Department spokesperson has characterized as "a big-time extortion racket."

During the first seven months of FY 91, 32,000 visas were granted by the U.S. Interests Section in Havana. By July 29, when the backlog of visa applications had reached 28,000, the Interests Section suspended processing of new applications.

Relatively Modest Official Refugee Admissions By comparison to the tourist and raft arrivals, the 3,000 Cubans who could be admitted this fiscal year as part of the government-sponsored refugee resettlement program represent a relatively modest number. This program, under which 1,070 have been admitted through the first eight months of FY 91, is reserved for exceptional cases, such as long-term political prisoners, political and religious dissidents, and former U.S. government employees.

Another 3,000 Cuban refugees could be admitted this year through the sponsorship of the Cuban American National Foundation (CANF). As of the end of May, 1,734 had been admitted through CANF in FY 91. Since it entered into a Private Sector Initiative (PSI) agreement with the State Department in 1988 (see Refugee Reports, Vol. IX, No. 8), CANF has sponsored 6,982 refugees.

Regular immigration channels from Cuba have been slow. For years, immigration was the victim of the continuing stand-off between the U.S. and Cuban governments on the return of excludable persons from the Mariel boatlift (see Refugee Reports, Vol. XI, No. 6). Now the problem is more often attributed to the paucity of petitions filed by U.S. citizen relatives. In the first half of FY 91, only 932 immigrant visas have been issued, compared to 2,186 for all of FY 90.

At a Congressional hearing in June, Michael G. Kozak of the State Department discouraged speculation about another Mariel-style boatlift, but said, "We will not permit it to happen. Castro knows this.... I would urge all concerned to counsel those in this country who understandably seek the freedom of their friends and relatives to follow legal procedures and not to fall into tacit collaboration with the Castro regime."

Kozak's concerns are echoed on the local level. Miami City Manager Cesar Odio told the Miami Herald, "We cannot tolerate another large boatlift. We're the ones who receive a direct impact. I'm all for family reunification, but it should be done in an orderly manner."

Odio has also expressed concern about the differential treatment of Haitians and Cubans, a source of controversy in ethnically and racially polarized Miami. "Once Haitians get here, they should be treated the same," he said. "They don't need a detention center. They should release them to their relatives and put them through the processing."

SITUATION IMPROVES IN SAFE HAVEN REGION OF IRAQ, BUT FAMINE THREATENS OTHER PARTS

A UN mission to Iraq warns that "the rapidly deteriorating food supply situation has brought the Iraqi people to the brink of famine." Yet the same assessment team suggests that the areas of the northwest near the Turkish border previously occupied by Allied forces have almost returned to normal. In the meantime, U.S. government funding for humanitarian intervention has remained almost exclusively centered on that area.

A high-level United Nations interagency mission led by the Secretary General's executive delegate, Prince Sadruddin Aga Khan, found that "the Iraqi population is fast approaching the threshold of extreme deprivation" if the food supply remains at current levels.

Not surprisingly, the highest prevalence of malnutrition was found among children, pregnant and lactating mothers, and households headed by widows. The mission estimated that 2.5 million Iraqis are cut off from adequate water supplies, and noted a "drastic increase" in disease due to the breakdown in sanitation.

Regional Variations in Vulnerability The mission found "considerable differences" among regions in Iraq (it visited 16 of Iraq's 18 provinces). In the northwest, near the Turkish border where nearly all the refugees have returned, the mission observed availability of food at reasonable prices and the reopening of hospitals, and termed the conditions "near-normal."

Along the Iranian border, however, the agency saw a "steady daily flow of refugees back home" and noted their "uncertainty with regard to the duration for assistance for those who have settled in tents and other temporary structures on the ruins of their demolished villages."

The UN High Commissioner for Refugees (UNHCR) reports that it has now shifted its primary focus to this area, and estimates that more than 550,000 returnees there remain displaced and in critical need of winter shelter.

Although refugees have been returning from Iran at a rate of about 30,000 per week until fighting resumed in late July (the camp population within Iran was down from more than a million in April to 218,514, as of July 18), most of the returnees have remained within a 30-mile strip along the border in areas controlled by the Kurdish *peshmerga* guerrillas. It is an area of rubble and destruction, having been the target of a pre-war Iraqi strategy of razing Kurdish villages and removing their inhabitants from the frontier regions.

The UN mission observed that the reintegration of the returnees from Iran will depend on the "re-establishment of the food distribution network in settlements which no longer exist." •

In the southeast, 30,000 to 100,000 Shi'a Muslims displaced from their failed uprising have been trapped in a swampy area to the north of Basra. On July 11, Iraqi authorities prevented a joint UNHCR/UNICEF mission with three trucks of food and medical supplies from reaching them.

The UN assessment team found the internally displaced in the south to be outside the country's rationing and distribution network. "Pending the return to a normal marketing and distribution network which can guarantee access to food at reasonable prices to all, international food assistance will have to remain the cornerstone of the United Nations program in Iraq."

International and U.S. Funding Inadequate and Uneven Despite the need for international assistance, funding has lagged. Although the UN's most recent consolidated appeal is for $460 million, only $220 million has been pledged.

The lead UN agency in the region, UNHCR, reported on July 15 that it had received $169 million in contributions for the Gulf emergency out of a request for $267.7 million. U.S. government donations to UNHCR for this appeal totaled $12.5 million, or 7.4 percent. The total U.S. contribution for UNHCR's Gulf emergency operations stands at $25 million, including this latest contribution.

The U.S. government's bilateral initiatives have been almost exclusively directed to northwestern Iraq and Turkey, such as the $15.1 million contributed by the Agency for International Development's Office of Foreign Disaster Assistance (OFDA). In fact, a May 4 State Department cable recommended that private voluntary agencies with OFDA contracts limit their activities to "within ten miles of the Turkish-Iraqi border and/or in those areas secured by U.S. forces."

Mary Johnson of CARE, which received a $821,340 grant from OFDA for emergency food distribution in the north, told Refugee Reports that although the possibility of working in the south had been discussed, thus far CARE's efforts have been focused on taking over the World Food Program/OFDA feeding program in the north after the withdrawal of U.S. military forces.

Robert DeVecchi, executive director of the International Rescue Committee (IRC), which received a $1.3 million grant from OFDA to implement a public health and sanitation project in northern Iraq, said that his organization is now assessing the situation as far east as Suleimaniyah and that the Iraqi Ministry of Health has been amenable to IRC public health initiatives there.

Catholic Relief Services (CRS), which has spent $10 million of its own resources in Iraq, submitted a $4.7 million proposal to OFDA on May 7 to distribute food and medicine throughout the country, but, as of July 25, was still waiting to sign the agreement.

Dennis King, information specialist for OFDA, told Refugee Reports that the CRS proposal has been approved, but that the final amount is still being negotiated. He said, "We will have lots of stipulations for monitoring accountability."

Update

- A recently opened U.S. Refugee Resettlement Office (USRRO) in Freetown, Sierra Leone, has begun processing Liberian refugees. As in Sudan, the USRRO carries out Joint Voluntary Agency (JVA) functions. The International Rescue Committee (IRC) is the JVA operating the USRRO in Freetown, which processes Liberian refugees not only in Sierra Leone, but also in countries throughout the region where Liberian refugees are located, specifically Cote d'Ivoire, Guinea, Nigeria, and Ghana. INS circuit riders will also adjudicate cases in those countries.

Refugees are referred to the USRRO by the UN High Commissioner for Refugees (UNHCR). As of July 19, the office had opened files on 328 persons in Sierra Leone (151 cases). On July 23, UNHCR referred another 283 persons.

- More than 900 Salvadoran refugees repatriated from Nicaragua and Panama between January and March. According to the June 1991 Central America Report, the Salvadorans faced numerous obstacles in the process. "The refugees from Nicaragua... continued to face delaying tactics from the Salvadoran government. Repeated demonstrations at the Salvadoran consulate in Nicaragua and the local office of the United

Nations High Commissioner for Refugees failed to budge Salvadoran officials." Eventually, the Salvadoran government agreed to the refugees' repatriation. According to Central America Report, the number of Salvadorans living in Nicaragua has dropped from 20,000 to 4,000.

Meetings and Conferences

MENTAL HEALTH/COMMUNICATION TRAINING FOR BILINGUAL WORKERS

The Spring Institute will hold the first week of a two-week "Mental Health/Cross-Cultural Intensive Training" for bilingual workers in Boulder, Colorado, September 20-24. For further information contact Myrna Ann Adkins (303) 571-5008.

REFUGEE HEALTH IN THE 1990s

The Wisconsin and Minnesota refugee health programs are co-sponsoring a conference on "Refugee Health in the 1990s: Models for Providing Culturally Sensitive Care," to be held in Madison, Wisconsin, on Friday, September 27. Among topics to be addressed at the conference are acculturation, cultural sensitivity, national refugee health policy and funding, and Vietnamese and Soviet health care systems. For further information, contact Marjorie Hurie, Refugee and Immigrant Health Program, Div. of Health, 1 W. Wilson Street, Box 309, Madison, WI 53701. (608) 266-9452.

TRAINING IN MULTICULTURALISM

The International Counseling Center, in cooperation with George Washington University, is sponsoring a personal and professional training program in multiculturalism. The training program, to be held in Washington, D.C., will be in two sessions, October 17-20, and February 13-16, 1992. There will be special tracks in cross-cultural counseling, workplace diversity, and cross-cultural conflict resolution. Early registration is recommended.

For further information, contact the International Counseling Center, 3000 Connecticut Ave. NW, Suite 138, Washington, DC 20008. (202) 483-0700.

IMMIGRANT AND REFUGEE WOMEN

A national conference on immigrant and refugee women, Dreams Lost, Dreams Found: Women Organizing for Justice, is to be held on October 5-7 in Berkeley, California. Conference organizers say that "women are fast becoming the majority of the immigrant and refugee population in the United States, yet their particular situations remain unknown, their service and advocacy needs unmet."

For further information, write: Conference on Immigrant and Refugee Women, 995 Market Street #1108, San Francisco, CA 94103, or call the Coalition for Immigrant and Refugee Rights and Services. (415) 243-8215.

Job Board

Executive Director El Rescate, one of the largest U.S. providers of legal and social services to Central American refugees is seeking an executive director to administer three projects (Human Rights, Legal Services, and Social Services) and be primarily responsible for fundraising and outreach. Qualifications needed include experience in managing and fundraising for a nonprofit organization, knowledge of Central America, and fluency in English and Spanish.
Contact: Niels Frenzen, Search Committee, 3535 W. 6 Street, Suite 100, Los Angeles, CA 90020. (213) 385-2977.

Staff Attorney The Central American Refugee Center (CARECEN) in Houston, Texas, seeks a staff attorney who has been admitted to a state bar and is fluent in Spanish. Responsibilities include representing persons in deportation proceedings, preparing applications for political asylum, and representing asylum applicants before the INS and the immigration court.
Contact: Thomas S. Goldsbury, Director, CARECEN/Houston, 4001 Caroline, Houston, TX 77004. (713) 522-3611.

Asylum Officers The U.S. Immigration and Naturalization Service (INS) is seeking applicants to fill as many as 70 new asylum adjudication positions, if funding becomes available. Asylum offices are located in Newark, NJ, Arlington, VA, Miami, FL, Chicago, IL, Houston, TX, Los Angeles, CA, San Diego, CA, and San Francisco, CA. Prospective applicants should send a resume and a letter indicating the office in which they would like to work. **Contact:** Gregg Beyer, Director of Asylum, Office of Refugees, Asylum, and Parole, INS, 425 Eye St., NW, Room 1218, Washington, DC 20536. No phone calls, please.

National Action Unit Director Amnesty International USA seeks a National Action Unit Director, based in Chicago, to oversee the planning, management, and coordination of the refugee, death penalty, outreach, and coordination group programs. International law and grassroots organizing a plus. Experience in program management, staff supervision, and computer literacy essential. Salary mid/upper 40s. **Contact:** Send resume and cover letter to AIUSA, Box JOB-6, 53 West Jackson, Suite 1162, Chicago, IL 60604. No calls. Application deadline is August 25.

Current Research

STUDY MARKS UNHCR'S FORTIETH ANNIVERSARY

July 28 marked the 40th anniversary of the adoption of the UN Convention Relating to the Status of Refugees. On this occasion, the Lawyers Committee for Human Rights has issued a report that warns, "There has been an alarming loss of respect for the 1951 Convention. Governments are exploiting the Convention's ambiguous terminology to carve out new unprotected categories of asylum seekers and justify the rejection of refugee status."

The 156-page report, The UNHCR at 40: Refugee Protection at the Crossroads, charges that the UN High Commissioner for Refugees (UNHCR) "is in the throes of a serious institutional crisis." For the first time in its 40-year history, in 1989, donor governments refused to approve UNHCR's budget. "Under the guise of reform," the report charges, "[governments] have mounted a crude attempt to wrest control of funding, and imposed arbitrary cuts on staffing and budget that have caused serious damage."

Although the number and severity of refugee movements continued to rise throughout the 1980s, UNHCR was forced to cut its programs by 25 percent in 1989. "The impact," says the report, written by Iain Guest, "has been devastating."

The concern of the governments that fund UNHCR has increasingly focused on keeping out asylum seekers arriving at their own doors, and the report suggests that UNHCR has found itself being asked to provide "migration control assistance" to governments.

According to the report, UNHCR is a house divided. "One faction that is now represented by Jonas Widgren, coordinator of the UNHCR's informal European consultations, argues that the UNHCR may disregard government concerns only at its own peril. The other faction, represented by the protection division under the direction of Michel Moussalli, fears that Widgren's course will shift the UNHCR from a human rights to a law enforcement perspective."

UNHCR teeters into its fifth decade with an unsure sense of its mission and unsteady support from donor governments. In 1990, the High Commissioner was informed that henceforth UNHCR would have to tailor its spending to available funding, as opposed to need. Although agreeing to a budget $150 million short of projected needs, donor governments still failed to provide the money.

"In short," says the report, "after undergoing drastic surgery, the UNHCR may be sicker than ever. The fear must be that like so many efforts by governments to 'reform' the UN during the 1980s, the structuring of the UNHCR has absorbed much time and money, but not achieved a cure. In addition, however mistaken it may be, the notion appears to be implanted that cutting budgets and reducing staff inevitably improves efficiency."

The UNHCR at 40 is available for $10 from the Lawyers Committee for Human Rights, 330 Seventh Avenue, 10th floor, New York, NY 10001. (212) 629-6170.

Office of Refugee Resettlement
BUDGET/ADMISSIONS

Fiscal Year	Appropriations (in millions)	Admissions (Actual)	Admissions Ceiling
1980	$517	207,116	231,000
1981	$902	159,252	217,000
1982	$690	97,355	140,000
1983	$585	61,681	90,000
1984	$542	71,113	72,000
1985	$444	68,045	70,000
1986	$409	62,440	67,000
1987	$340	64,828	70,000 (includes 4,000 privately funded)
1988	$347	75,754	87,500 (includes 4,000 privately funded)
1989	$382	106,902	116,500 (includes 4,000 privately funded)
1990	$390	122,461	125,000 (includes 14,000 privately funded)
1991	$411		131,000 (includes 10,000 privately funded)

Source: Office of Refugee Resettlement, Department of Health and Human Services

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OREGON'S REFUGEE EARLY EMPLOYMENT PROJECT (REEP) ADJUSTS TO CHANGE

They had arrived just one week before from the city of Odessa in the Ukraine, and the newness of it all still flushed their cheeks. Pavel Krivoienkov and his wife, Vera--Christian Pentecostals who had fled religious persecution in the Soviet Union along with their three children--sat quietly across the table from their caseworker as he painstakingly introduced them to refugee services in Portland, Oregon. If their initiation into this arcane world filled with intake interviews, assessments, and action plans was baffling, they showed no sign of it.

"My mother was shot for religious reasons and my father was sent to prison," said the 56-year-old Pavel through an interpreter, "and I was sent to prison for 12 years myself. I am just excited to be here and willing to do anything. It hasn't dawned on me yet to be nervous."

For the refugee services community in Oregon, Pavel and Vera represent the new face of resettlement. From 1975 to 1987, Indochinese refugees comprised better than 80 percent of Oregon's caseload. The pattern began to shift in 1988 with the influx of increasing numbers of Soviet Pentecostals. For the last three years running, Soviet arrivals have predominated, averaging about 65 percent of the annual state caseload.

But along with all of the new faces coming into the state, Oregon continued to see many old ones. Since 1985, Southeast Asian refugee arrivals have remained fairly stable, averaging about 625 per year.

As Soviet Pentecostal admissions surged in 1989 and 1990, then, so too did Oregon's overall refugee numbers. In FY 90, the state admitted 2,350 refugees, three times the number it had resettled in 1987, and the highest annual figure in nearly a decade.

While the last five years have brought dramatic change to the Oregon refugee program, some of it disruptive and painful, local service providers and community leaders also speak of an abiding cohesion and continuity, which they attribute in large measure to the statewide Refugee Early Employment Project, or REEP for short.

IN THIS ISSUE:

Court Robinson, just back from Oregon, examines that state's Refugee Early Employment Project (REEP). In the face of substantive changes in the national and local resettlement picture, REEP has both adapted and held its ground 1

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Oregon Has a History of Cooperation Born on September 15, 1985, Oregon's REEP program is a demonstration project provided for by the Fish-Wilson amendment to the Refugee Act of 1980. It permits the Secretary of Health and Human Services to fund "alternative projects" to deliver refugee cash and medical assistance.

Under these Fish-Wilson projects, "refugees are provided interim support, medical services, support services, and case-management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among resettlement agencies and service providers."

The Fish-Wilson amendment also requires that these alternative demonstration projects be "budget neutral," that is, they cannot cost any more than a given state or locale would otherwise spend for refugee public assistance and administration.

According to an FY 90 annual report from the Oregon state refugee program, the state coordinator in 1985, Jerry Burns, "was quick to see that Portland had the necessary requisites to be able to put together a demonstration project." A refugee services consortium that had been active in the state since 1980 included six voluntary resettlement agencies, Portland public schools and community colleges, and two refugee mutual assistance associations (MAAs).

By the time the grant proposal was submitted to the Office of Refugee Resettlement (ORR), several volags had closed their offices in Oregon, leaving only Catholic Community Services of Portland, Lutheran Family Services, and Ecumenical Ministries of Oregon, an affiliate of Church World Service. The two MAAs had merged to form the International Refugee Center of Oregon (IRCO).

The objectives of REEP are three-fold: (1) to promote early employment for employable refugees, (2) to increase the proportion of refugees who are economically self-sufficient, and (3) to accomplish the first two objectives at a net savings to the refugee resettlement program.

According to an evaluation of REEP conducted by the Refugee Policy Group (RPG) in August 1989, the demonstration project represents a fundamental refocus of the Oregon refugee assistance program. "Prior to REEP, the service system concentrated primarily on refugees approaching the end of their eligibility for cash assistance," the RPG study said. "As a result..., about 90 percent of the refugees in Oregon for 18 months or less were unemployed and were relying on cash assistance as their source of income."

REEP, on the other hand, "was to emphasize new arrivals," the RPG study said, through a "'front-loaded' service system which maintained a constant emphasis on early employment."

REEP Has "Privatized" Refugee Cash and Medical Assistance Using federal funds that would otherwise have been spent by the state welfare agency, REEP "has essentially privatized cash and medical assistance in Oregon," says state refugee coordinator Ron Spendal.

There are three key components to REEP--case management and cash assistance, medical care, and employment services--all of which are available for the first 12 months that a refugee is in the country.

"The primary point of contact for the newly arrived refugee," Spendal says, "is the voluntary resettlement agency." The three volags operating in Portland are responsible for providing cash assistance and case management.

"The volag meets the refugee at the airport and provides the initial reception and placement services," Spendal said. "It was only natural for us to build upon this bonding and structure ongoing case management services to be provided by the volags. In REEP, this also involves managing the cash assistance needs of the refugees. Cash assistance is not viewed as an entitlement, but rather as a salary for participation."

Following an initial intake interview with a volag caseworker, usually within one week of arrival, refugees are referred to Multicare's International Health Clinic for health screening and medical assistance. For the first 12 months, medical assistance is largely separated from cash assistance, so that refugees who find employment but do not exceed certain income standards can continue to receive free health care.

The International Refugee Center of Oregon is contracted to provide Pre-Employment Training (PET) and a range of other employment services. Once the four-to-six week course in pre-employment training is concluded, IRCO job developers start working to place refugees in jobs.

Just as there are rewards for participation in

REEP, so too there are penalties for nonparticipation. The volag case managers have the authority to cut off cash payments if a refugee fails repeatedly to abide by the agreed-upon resettlement plan.

"It is important for the refugees to realize that they are enrolling in a program, like they are enrolling in a school," says Gary Garner, director of Ecumenical Ministries of Oregon's SOAR (Sponsors Organized to Assist Refugees) program. "Flunking means rejecting a job, or not attending a training program. That's where the sanctions emerge."

REEP Meets Two Out of Three Objectives In its August 1989 evaluation, RPG concluded that "by and large, REEP was successful in helping refugees attain employment early in their resettlement experience. In contrast to the pre-REEP situation in Oregon..., the demonstration project reached its objective of placing at least 75 percent of employable refugees in permanent, full-time employment within 18 months of their arrival."

REEP was not as successful, RPG found, in meeting its objectives on self-sufficiency. While the program goal was for 63 percent of all participants to graduate from REEP because family earnings would exceed the program's income standards, only 30 percent actually accomplished this. The majority lost eligibility because of time-expiration or they left the Portland area.

"The REEP experience indicates then that early employment does not translate into immediate self-sufficiency," RPG said, especially for larger families, but noted "cause for some optimism." First, wage levels appeared to be rising, and second, REEP's emphasis on the family unit rather than single wage earners "has led to increasing emphasis on multiple wage-earner strategies within refugee households."

As for cost savings, based on ORR projections of "budget neutral" costs, in its first five years REEP has resulted in savings of an average of $700,000 per year. What this means, Spendal says, is that "REEP can operate at 80 percent of the costs that would have existed in the absence of REEP."

REEP Copes with New Circumstances Following a visit to Oregon in March 1991, the Refugee Policy Group issued a second report reviewing the recent changes in Oregon resettlement patterns and their impact on REEP. "The system has shown itself highly adaptable to new circumstances," the report concluded. "Having experienced a major increase in caseload, changes in the composition of its client population, [and] reductions in the time period with which providers could work with clients..., REEP continues to function well and obtain good client outcomes in terms of early employment."

In the first three years of implementation (1985-1988), an average of 682 clients per fiscal year received REEP services. By FY 89, the number had increased to 1,366, and to 1,800 the following year.

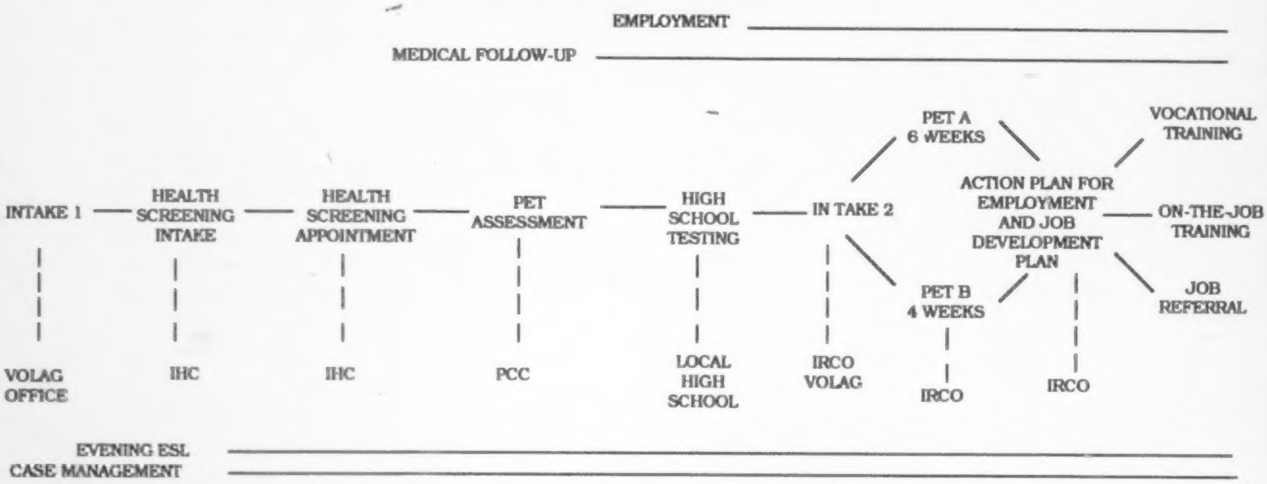
Along with this numerical increase in the client caseload, came substantial changes in nationality, language, culture, and family size. Soviet Pentecostals typically are Russian-speakers with blue-collar work backgrounds and very large families. "Caseworkers report that it is not unusual to see families in excess of 12 to 14 persons," the RPG report said.

The Soviets, moreover, use health services at a rate substantially higher than that of Southeast Asian refugees. Clinic manager for the International Health Clinic, Bruce Bliatout, offers several reasons for this. "Soviets, by and large, are older than the typical Indochinese case," he told Refugee Reports, "so we see more chronic illnesses like hypertension and high blood pressure." Also, "Asians are more passive and tend not to complain so much," Bliatout says, while "Soviets are more assertive."

Just at the point when Oregon began to experience the first wave of the Soviet Pentecostal migration in 1988, budget constraints forced ORR to reduce the period of eligibility for refugee cash assistance (RCA) from 18 months to 12 months. And since REEP cash assistance eligibility was linked to RCA guidelines, REEP was forced to adjust to the 12-month timetable.

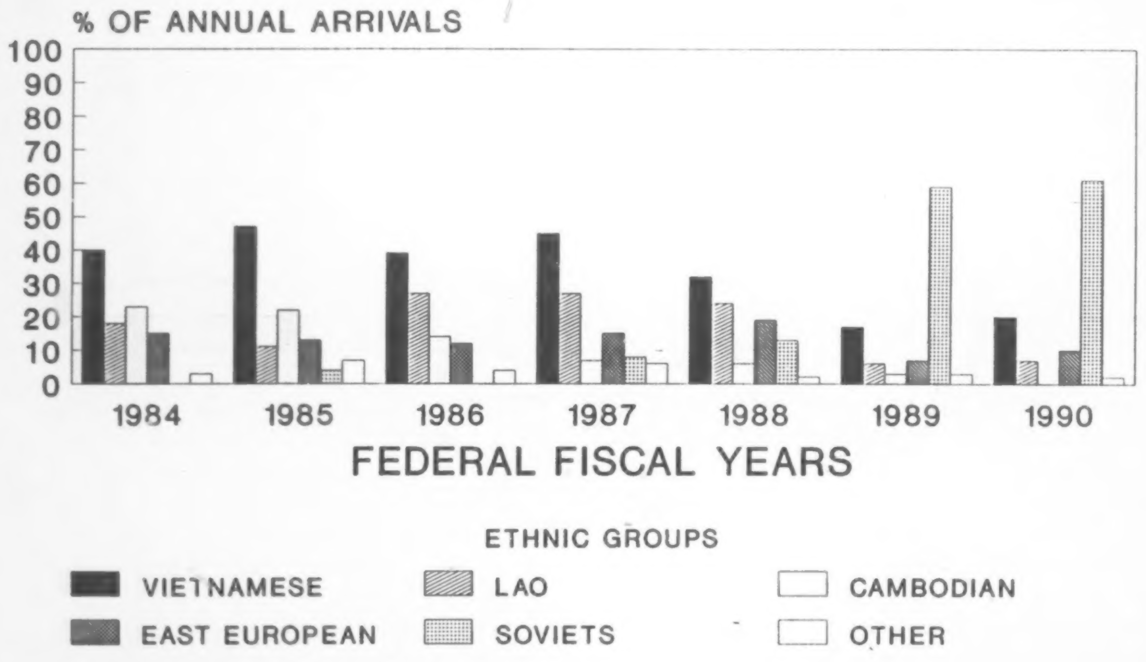
As service providers scrambled to serve a much larger caseload in a shorter period of time, temporary measures were adopted to economize. "Multicare, for example, began to do group orientations to the health care system," the RPG report noted. "Case managers in one agency no longer joined with job services workers for the second half of each family's intake into REEP, letting the job workers conduct the employment interviews on their own. This freed time for other activities but was recognized as a loss to the system, because the joint staffing had helped give the clients a single message from both case managers and job services."

REFUGEE EARLY EMPLOYMENT PROJECT
ACTIVITY CHART


EMPLOYMENT
MEDICAL FOLLOW-UP
INTAKE 1
HEALTH SCREENING INTAKE
HEALTH SCREENING APPOINTMENT
PET ASSESSMENT
HIGH SCHOOL TESTING
IN TAKE 2
PET A 6 WEEKS
PET B 4 WEEKS
ACTION PLAN FOR EMPLOYMENT AND JOB DEVELOPMENT PLAN
VOCATIONAL TRAINING
ON-THE-JOB TRAINING
JOB REFERRAL
VOLAG OFFICE
IHC
IHC
PCC
LOCAL HIGH SCHOOL
IRCO VOLAG
IRCO
IRCO
EVENING ESL
CASE MANAGEMENT

IHC - INTERNATIONAL HEALTH CLINIC
IRCO - INTERNATIONAL REFUGEE CENTER OF OREGON
PET - PRE-EMPLOYMENT TRAINING
PCC - PORTLAND COMMUNITY COLLEGE
VOLAG - VOLUNTARY RESETTLEMENT AGENCY

OREGON REFUGEE ARRIVALS BY ETHNIC GROUPS



Source: Oregon State Refugee Program

Despite the added pressures during this period, "the integrity of REEP is still there," says Garner, "although the cooperative relationship has been lost to some degree. The majority opinion is that REEP is still viable, but what we have been through is nothing short of exhausting."

One innovative measure that IRCO adopted, initially just to cope with a shortage of trained staff, is a team approach to job services casework. Usually this has meant combining a more experienced Indochinese staff-member with a new Russian-speaker.

"The team approach," RPG found, "proved successful not only in training new staff but also in helping refugees overcome cultural biases and understand better the pluralistic workforces they were likely to encounter in the United States."

Can REEP Be Replicated? Will It Even Be Repeated? Several factors have contributed to the success of REEP in achieving its early employment objectives, according to RPG, and may offer some insights into the project's replicability in other locations.

First, there is a "shared understanding of the goals, objectives, and practices," said the RPG evaluation. "The model was not imposed on the service providers. They were its creators."

"Some aspects of this project certainly could be replicated," says Salah Ansary, director of refugee services for Lutheran Family Services, "but the chemistry was right for it here, and that is crucial."

Nady Tan, executive director of IRCO, suggests that the success of REEP is based on two things: "leadership and partnership." "The state has taken a uniquely strong leadership role" in supporting REEP, Tan said, and was able to do so because "state and county services, voluntary agencies, and MAAs were willing to work together in partnership."

Second, according to RPG, REEP operates within "a well-coordinated and integrated system of service delivery," which includes a formal process of mandatory referrals, frequent monitoring of client progress, and joint assessments of individual clients by case managers and employment specialists.

"It comes down to the level of cooperation people are willing to commit to," says Dan Jordan, executive director of Catholic Community Services of Portland. "It's altruism, but it's also dollars and cents."

Third, REEP has applied a family-unit approach to employment, which focuses on the goal of self-sufficiency for the family, rather than finding a job for just one member. As such, according to RPG, employment services are designed to reach underserved groups like older refugees and women.

Moreover, by housing employment services with a multi-ethnic MAA like IRCO, Tan says, "we can get deep into the roots of the community."

Fourth, by essentially separating cash and medical assistance for the first 12 months, "taking a job does not necessarily mean loss of medical assistance," said the RPG report.

And fifth, in transferring control of cash assistance to private agencies, REEP can take advantage of private flexibility while still maintaining public accountability through the state management role.

In a July 23 letter to the House Judiciary Subcommittee on International Law, Immigration, and Refugees, Ron Spendal urged Congress as it looks at Refugee Act reauthorization to "remove the bureaucratic roadblocks so as to stimulate more state specific innovations." Spendal called it "bureaucratic nonsense that Oregon is required by ORR to annually request authority and financing for REEP."

"Currently," Spendal continued, "ORR is telling Oregon that they do not know if they can afford REEP in FY 92. This statement demonstrates that ORR has never understood REEP nor its outcomes."

"We understand REEP quite well," an ORR official who declined to be named told Refugee Reports. "But we have to understand it in the context of 49 other states. If we funded the other 49 states at the same per capita rate that we fund Oregon, our cash/medical and state administration costs would be far above what we have to spend."

The official also noted that in FY 92, ORR is estimating that the United States will admit roughly 135,000 refugees, fully 25,000 more than will enter in FY 91, given the shortfall in Soviet processing this year. The ORR budget for refugee cash/medical assistance and state adminstration (RCMA), however, is expected to stay at the FY 91 level, $234 million.

Given this situation, the official said, ORR would be able to fund only 6 to 8 months of RCMA services in FY 92. "We aren't going to give Oregon 12 months of funding if the rest of the country gets only half of that."

UPDATE

- Soviet asylum applications in the United States have quadrupled from 1989 to 1990. More Soviet asylum claims have been filed in the first six months of FY 91 than for all of 1990. The number of Soviet applicants and approval rates since 1989 are:

	FY 91 (six months)	FY 90	FY 89
Cases received	1,498	1,043	243
Approval rate	62.6%	82.4%	90.8%

Soviets are becoming a major new source of asylum claimants in Canada. The Canadian Immigration and Refugee Board reports that well over 500 claims were determined to have a credible basis in the first half of 1991. Only seven other source countries produced more claims before the Refugee Board.

- More than 17,000 Albanians commandeered ships and crossed the Adriatic Sea to seek refuge in Italy during the second week of August. As of August 18, only 788 had been allowed to stay in Italy. Most were summarily deported, including at least 1,000 who had been promised asylum hearings.

U.S. Committee for Refugees Director Roger Winter wrote to the Italian authorities calling their actions "an egregious violation" of the asylum seekers' due process rights. "In the absence of a fair determination of refugee status," he wrote, "no assumptions are justified about the potential for harm that these deportees might face upon return."

- On August 1, the U.S. Senate passed S. 1620, a technical corrections bill to the Immigration Act of 1990. Among its 150 amendments to the Immigration Act and other recent immigration laws, is a provision that defines the term "national" for purposes of temporary protected status (TPS). The term now includes people who have no nationality, but who "last habitually resided" in a country designated for TPS status. This provision has become especially important for stateless Palestinians, since TPS was designated for Kuwait and Lebanon.

As yet, the House has not begun consideration of the technical corrections measure.

- On August 1, U.S. District Judge David F. Levi upheld an Immigration and Naturalization Service (INS) interim regulation that sets forth criteria that indigent Salvadorans must meet to waive TPS fees (see Refugee Reports, Vol. XII, No. 7).

Earlier, on June 3 and June 12, Judge Levi had ordered the INS to stop denying fee waivers to Salvadoran applicants in California who show an income below the federal poverty guidelines (see Refugee Reports, Vol. XII, Nos. 5 and 6). He has now dissolved the earlier injunctions, agreeing with the INS that Congress had directed the agency to require fees "sufficient to cover the costs of administration" of the program.

While continuing to acknowledge that the majority of Salvadoran TPS applicants are impoverished, Judge Levi said that the law requires the INS "to develop a fee waiver regulation that provides for fee waivers to only a portion of the applicants who fall below the poverty guidelines."

- After seven months of debate, the Bush Administration has decided not to lift the ban on immigrants and refugees infected with HIV, the virus associated with AIDS. Government officials cited health care costs as the factor that tipped the balance to exclude HIV-positive aliens, according to an August 2 report in the Washington Post. However, both the numbers who would arrive and the costs they might incur are under dispute. About 0.1 percent of adult immigrants tested positive for HIV from 1988 to 1990. If such a percentage were maintained after the lifting of the ban, this would represent about 500 persons per year. Federal health officials contend, however, that additional numbers would enter if the ban were lifted, according to the Post.

- The Canadian Immigration and Refugee Board has instituted an expedited procedure to speed up an asylum process that has been criticized for being slow and cumbersome. Statistics for the first half of 1991 indicate that about 3,000 claims per month are being completed, and that approval rates have not suffered as a result of the new procedure.

Canada has a two-step asylum process, involving a credibility determination and a full hearing to determine the claimants' refugee status (see Refugee Reports, Vol. XI, No. 10). For the first stage, claims whose credible basis the government concedes are now processed without a face-to-face hearing. During the second quarter, first stage approval rates stood at 94 percent, the same rate as in 1990. At the second stage, an expedited process is used for claims that are considered to be sufficiently straightforward to allow for immediate positive determinations. About half of the claims in the first half of 1991 were heard on an expedited basis. The asylum approval rate at the full hearings for the first six months of 1991 was 76 percent, about the same as the 77 percent approval rate in 1990.

A total of 14,226 claims have moved to the second stage in the first six months of the year; of the 14,465 claimants who received decisions after their full hearing, 11,435 were granted refugee status.

- On August 5, Cuba announced that, effective immediately, persons aged 20 or more would be permitted to leave and visit other countries, provided they have valid visas from the host country. This further liberalizes the Cuban age requirement for exit permission, which only recently had been reduced from age 65 to 35 for men and from age 60 to 30 for women (see Refugee Reports, Vol. XII, No. 7).

- Several recent incidents in Florida and off its coasts have renewed discussions of the discrepancies in the treatment of Haitian and Cuban migrants. In an incident on July 7, a boatload of 161 Haitians picked up two Cubans who were floating in an inner tube. The Coast Guard later interdicted the boat, bringing the two Cubans to the United States, but returning all but nine of the Haitians to Haiti. Six of the Haitians had to be hospitalized; three were brought ashore to have their asylum claims heard.

Two days later, the INS directed a Honduran freighter to return five Haitian stowaways to Haiti. Three of the Haitians were kept in a cage on the deck of the ship; the two who couldn't fit in the small cage were handcuffed and chained. The next day, a Cuban baseball player defected in Miami, causing much excitement among sporting enthusiasts.

The most recent incidents come at a time when unauthorized Cuban entry into Florida is on the upswing (see Refugee Reports, Vol. XII, No. 7) and the drumbeat of allegations of mistreatment of Haitians at Florida's Krome Avenue Detention Center (see Recent Developments and Resources) is building.

- A federal magistrate in San Antonio, Texas is scheduled to rule on September 12 on a Salvadoran government request to extradite César Vielman Joya Martínez, a former soldier in the intelligence unit of the First Infantry Brigade of the Salvadoran Army, who has testified widely in the United States about his involvement in death squad activities in 1988-89.

A number of human rights groups, including Amnesty International (AI) and Americas Watch, oppose his extradition on the grounds that he probably would be killed upon return. America's Watch recently wrote, "If deported to El Salvador, Joya Martinez will in all likelihood never live long enough to receive a trial, much less a fair one."

AI said that although it takes a strong position that officials who abuse human rights should be brought to justice and that other countries "should not provide a safe haven for torturers," the organization nevertheless opposes the extradition of Joya Martinez because it "risks torture and execution at the hands of the authorities in El Salvador."

- After 16 months of negotiations, on August 16, the United Nations High Commissioner for Refugees (UNHCR) and the Republic of South Africa concluded a landmark agreement on the voluntary repatriation of an estimated 40,000 South African refugees and political exiles. UNHCR has not operated inside South Africa for 30 years.

African National Congress President

Nelson Mandela has made it clear that all-party talks about a new constitution for South Africa could not begin until exiles have returned.

Recent Developments

SENATE SUPPORTS NEARLY $960 MILLION FOR INS

On July 31, the U.S. Senate approved a $22.1 billion appropriations bill, which includes $959.5 million for the Immigration and Naturalization Service, representing a $72.4 million increase over the FY 91 appropriation and a $12.5 million increase over the bill passed by the House in June. The FY 92 State, Justice, Commerce, and Judiciary appropriations bill, H.R. 2608, now moves to conference committee to resolve differences between the House and Senate versions.

Within the INS appropriation, $312.5 million is to be available for the Border Patrol. The Senate staff report to the bill notes that the FY 92 Treasury appropriations bill already includes $10 million for additional Border Patrol agents to be posted on the southern border, which amounts to a net increase of $5.5 million above requested adjustments. This will support 100 additional Border Patrol agents. A recent U.S. General Accounting Office (GAO) study, Border Patrol: Southwest Border Enforcement Affected by Mission Expansion and Budget, notes that Border Patrol staffing has been adversely affected by a lack of funding for authorized positions (3,669 staff on active duty at the end of FY 90 out of 4,240 authorized positions) and a high rate of attrition (30 percent of Border Patrol agents leave after one year on the job; thereafter, the annual rate of attrition averages about 12 percent). The GAO reports that Border Patrol funding has increased 61 percent between fiscal years 1986 and 1990--from $164 million to $263 million.

Both the Senate and House versions of H.R. 2608 place $50,000 at the disposal of the INS "to meet unforeseen emergencies of a confidential character." Both versions also allow the INS to purchase 415 police-type vehicles.

Additional Resources for Asylum The Appropriations Committee has a limited role in the development of the new asylum system since the INS asylum branch is funded through examinations fees, rather than through appropriations. However, the Committee report did urge the INS "to insure that sufficient funds from that account be devoted to the new asylum system to enable it to meet the goals set out for it."

INS Commissioner Gene McNary has approved 100 new positions for the asylum branch, at an estimated cost of about $5.5 million over last year's asylum budget of about $6 million, according to INS spokesman Duke Austin. It is estimated that about 70 of the new positions will be for asylum officers (see Refugee Reports, Vol. XII, No. 7).

Preparing for Another Mariel Sen. Bob Graham (D-Fla.) introduced several amendments in response to the prospect of increased migration from Cuba. One amendment directs the Attorney General to issue regulations delineating what constitutes an immigration emergency and the process for the President to declare such an emergency. The regulations would also have to outline how States and localities are to be reimbursed in the event of such an emergency.

In introducing the amendment, Graham said, "We face the prospect...of another wave of immigration, particularly as conditions deteriorate in Cuba." Graham pointed to the dramatic increase in both the number of Cuban raft arrivals this year, as well as the numbers overstaying their visas (see Refugee Reports, Vol. XII, No. 7).

To track overstayers, Graham introduced another amendment that would require the INS to track I-94 forms, which state when aliens enter the United States, and to report on the number of visitors overstaying their visas.

Krome Finally, Graham introduced an amendment to place a 90-day cap on the detention of aliens at the Krome Processing Center in Florida. The amendment would require detainees to be released after 90 days if they are determined to have family ties in the community, are not considered to be a danger to the community, are likely to "participate in the resolution" of their immigration claims, and if they have posted a reasonable bond.

"Krome was intended to be for a short-term detention and has become, for much of its life, a long-term detention center," said Graham (See Resources). "Thus, the Immigration Service is denied the opportunity to have what would be a critically needed short-term detention and processing center in the event that the tide that we are currently experiencing were to become a flood."

Graham's colleague from Florida, Sen. Connie Mack (R-Fla.), rose to support the Graham amendments, saying, "Florida's immigration/refugee problems are relentless" and that the federal government's response has "left me disappointed."

Mack said, "The recent reports regarding the treatment of Haitians in south Florida should force Congress to take a serious look at its policy toward Haitians fleeing their country."

The Miami Herald ran an editorial on August 3 calling Haitians "the victims of an objectionable federal policy that holds detainees at Krome for as much as a year while the INS decides whether to accept them or deport them." The Herald editorial supported Graham's proposal, calling it "a reasonable, humane alternative to the present policy."

More on Cubans and Haitians H.R. 2608 makes $18.2 million available to the Justice Department's Community Relations Service (CRS) for the processing, care, and placement of Cuban and Haitian entrants. It also allows the Attorney General to redirect funds from other budget areas to the Cuban-Haitian Entrant Program for moving Mariel Cubans from Bureau of Prisons and INS facilities to CRS halfway houses.

The Senate bill also appropriates nearly $5 million to reimburse States for expenses incurred from incarcerating Mariel Cubans who have felony convictions after having been paroled into the United States.

UNHCR SEEKS FUNDS TO EXPAND REPATRIATION TO LAOS

On July 16, the UN High Commissioner for refugees (UNHCR) announced the launching of a $3.4 million pilot program to encourage an estimated 63,000 Laotian refugees now living in Thailand to return home.

The new program will fund videos and literature on conditions in Laos for distribution in refugee camps, visits by refugee representatives to observe conditions in their homelands, and construction of new settlements for the returnees.

"UNHCR needs $250,000 immediately to get this project off the ground," said Jamshid Anvar, director of UNHCR's Asia Bureau, or the effort could lose momentum and refugees may be returned by force.

The new program grew out of a June meeting in Luang Prabang between the Thai government, the Lao government, and UNHCR, which laid out a set of "basic principles" for repatriation. Those principles, among other things, stipulate that "repatriation is to take place under safe, humane, and UNHCR-monitored conditions" and that "those considered to be refugees and asylum seekers returning under the program will do so on a voluntary basis, whereas those rejected in the screening process will be returned without the use of force in safety and dignity."

Since repatriation programs were first established under UNHCR auspices in 1980, about 8,000 highland and lowland Lao have returned home voluntarily. Until recently, the large majority had been lowland or ethnic Lao, with the highland groups--Hmong, Mien, Htin, and others--comprising about 25 percent of the total.

In the last two years, however, highland Lao repatriations have outpaced the lowland Lao. In the last nine months, for example, nearly 2,000 highlanders returned to Laos, while only about 500 lowlanders did so.

Explanations for this development vary. Some would say it is partly a matter of simple arithmetic. Lowland Lao refugees number only 7,500 in all of Thailand, and a mere 300 have arrived since last October. In comparison, highland Lao refugees, mostly Hmong, number 55,500.

While Hmong arrivals have averaged nearly 1,000 per month in Thailand in the last year, their attitude toward resettlement remains ambiguous. According to an October 1990 survey funded by the Ford Foundation (see Current Research), 54 percent of the residents in Ban Vinai said they would prefer repatriation to Laos over resettlement in another country.

UNHCR officials point to the growing number of highland Lao returns as a sign of growing confidence that repatriation is basically safe. "All allegations of violence against returning asylum seekers have proven incorrect," said Anvar.

But the picture is not so rosy as all that, others insist, noting that most of the highlanders choosing to repatriate are Mien and Htin, who were not nearly as active as the Hmong in resisting the communist Pathet Lao. Of the 3,000 highlanders who have returned to Laos in the last decade, only about 400 are Hmong.

Pressure from the Thai government has also played a significant role in boosting highlander repatriation, some observers say, and not all the returns have been voluntary. In late January 1991, Thai authorities forcibly removed 59 Hmong and other highland Lao from Chiang Kham camp and repatriated them to Laos. The returnees had been screened out as nonrefugees by Thai immigration officials on the border.

"The problem is," a source told Refugee Reports at the time, "the Hmong had not been informed of their status and were given only a few hours notice regarding the movement to Laos, thereby causing much distress."

The Thai government, moreover, has repeatedly stated its intentions to close Ban Vinai by the end of 1992 and to complete the repatriation process within five years.

But Thai officials say that the agreements reached at the tripartite meeting on June 27-29 spell out a kinder, gentler approach to the Laotian refugee problem. Deadlines on the closing of Ban Vinai will be relaxed, an informed Thai source told Refugee Reports, and an emphasis will be put on voluntary repatriation. "The Bangkok government reaffirmed that force will not be used in the repatriation process," said a July 16 UNHCR statement.

The $3.4 million that UNHCR is requesting would be used to prepare resettlement sites for an estimated 5,000 to 6,000 refugees expected to return by May 1992. At that point, UNHCR expects the repatriation program to enter Stage 2 and hopes funding, facilities, and staff will be sufficient to process 5,000 to 6,000 refugees a month.

Current Research

SOVIET PROCESSING: A FIRST-HAND ACCOUNT FROM MOSCOW

[In July, Norman and Naomi Zucker, of the University of Rhode Island, went to Moscow to observe the processing of refugees by U.S. Immigration and Naturalization Service [INS] officials. Below are their first-hand observations.]

In July, we spent ten days in the Soviet Union, and were able to interview Soviet citizens and to observe processing of refugees by the INS. We concluded that if there have been any delays, they do not appear to have been the fault of the U.S. government. In fact, every effort has been made to process applications not only quickly, but humanely.

The INS is scrupulously following the mandate of the Morrison-Lautenberg amendment, which requires the Attorney General to establish categories of people from the Soviet Union, Vietnam, Laos, and Cambodia "who share common characteristics that would identify them as targets of persecution." Under the amendment, a member of a category group can establish a well-founded fear of persecution "by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution." These designations are effective until October 1, 1992.

INS will have approved, by the end of this fiscal year, 50,000 applications for admission to the United States. As of July 16, they were interviewing applicants for the next fiscal year. An INS officer at the U.S. embassy in Moscow forecast that by the end of the year, the ceiling will have been reached. "We have one thing to do here," he said. "That's approve 50,000." He added, "If we see we're not going to get 50,000, we just speed it up."

And a speed-up has occurred. In July,

The following information on Soviet processing was gathered by the Washington Processing Center (WPC), as of August 6, 1991.

- To date, WPC has received 422,000 applications from Moscow, representing 627,000 people. WPC currently receives about 15,000 per month.

- As of June 1, 1991, 9,960 interviews have been conducted in FY 91 at the U.S. Embassy in Moscow. The total number of applicants in these cases is 40,358.

- As of June 1, 8,945 cases (35,923 persons) have been accepted for U.S. resettlement. During FY 91, the approval rate for Soviet Jews has averaged 97.6 percent. During the first quarter of FY 91, the approval rate for non-Jewish cases was 38.4 percent, and 66.1 percent for the period February through May. Overall, the approval rate has increased over that for FY 90.

- Cases approved for resettlement by priority category (based on family relationships, connections with the United States--see Refugee Reports, Vol. XI, No. 12 for a description of each category);

P1	176
P2	0
P3	3,059
P4	1
P5	3,312
P6	2,397

- Cases approved for resettlement by ethnic group:

Jewish	7,374
Evangelical	849
Armenian	465
Ukranian (Catholic and Orthodox)	116
Other	141

- Between 36,000 and 40,000 Soviets will arrive in the U.S. as refugees during FY 91.

there were nine INS inverviewers, conducting approximately 100 interviews a day. But earlier in the summer, when approvals were lagging, the number of interviewers was increased to twelve, who were able to complete 132 cases a day.

A One-Year Process The entire process takes approximately one year from the time the application is first submitted. From Monday to Thursday, an employee of the embassy hands out questionnaires to the many waiting applicants. (In early July, despite heavy rains, lines of more than 200 would-be applicants waited patiently in front of the building.) Applicants fill out the questionnaires and return them to the embassy, which sends them on to the Washington Processing Center (WPC). The WPC then sorts out the questionnaires according to the priorities and schedules interviews to be conducted in Moscow.

Applicants are then sent an appointment letter with an application and instructions. There is a lag of two to three months before the interview date; this gives the applicant time to collect the necessary documents in support of his or her case. Many also use this time to prepare to leave.

At the interview, the applicant is taken to one of nine small, private rooms, and is interviewed by an INS officer. To the credit of INS, all of the interviewers are Russian speakers, and all have received training.

The interviewer makes the decision to approve or deny the application. If the application has been approved, the applicant is notified of the final decision by 5:30 p.m. the same day. In practice, nearly all applications are approved, but the five to six percent that are denied are discussed with a supervisor, who reviews the entire case. The rejected applicant is re-interviewed by another INS officer, and the case is discussed with the officer-in-charge or his assistant.

On the day after applications have been approved, the emigres meet with SPATE (Soviet PanAm Travel Effort) to schedule an airline date and to determine what assistance they may need. They are also given a medical examination. The INS, in Moscow, meanwhile, express mails the files to Washington, where cases are assigned to voluntary agencies.

No Delays Now, But Problems Could Occur on Soviet Side At present, there is no delay by the United States in processing Soviet refugees. But in the future, there could be problems from the Soviet side. We were told by Soviet citizens that there is a pervasive fear that the promise of free emigration is being extended only as a trade off for a package of economic assistance from the United States. Many Soviet citizens fear that should the United States approve the aid, the Soviets would then slow down emigration. This is, of course, only a fear, and possibly an unfounded fear; it does, however, indicate a state of mind in which Soviet citizens have little confidence in their government, and less in their potential freedoms.

A second area in which problems could arise is in the application of the new exit and entry law. The law stipulates that anyone leaving the Soviet Union after July 1 must have a valid international Soviet passport, obtaining which is a time-consuming and capricious process. OVIR, the Soviet emigration agency, also announced a new regulation effectively banning the emigration of military-aged men between the ages of 16 and 26. Soviets who want to emigrate are worried that OVIR might arbitrarily reject their applications. Anecdotes were recounted of friends and acquaintances who had been denied permission to emigrate.

There now seems to be a double paradox overshadowing Soviet emigration. The first is that the flowering of *perestroika* has brought about a decline in official anti-Semitism, but as economic conditions worsen, there has been a concomitant rise in private anti-Semitism.

The second paradox arises from the Soviet Union's new law, under which an applicant for an exit visa does not need to have a close relative outside the country for family reunification, nor does he need a foreign invitation to emigrate. Implementation of the new law may give rise to massive emigration, but most countries, with the exception of Israel, would probably be averse to receiving large numbers of Soviet immigrants.

TWO REPORTS FOCUS ON HIGHLANDER REPATRIATION TO LAOS

"Laos is on everyone's back burner," a U.S. Embassy official in Bangkok said recently. He might have added, "so too are Laotian refugees." They rarely garner the international attention accorded, for good or for ill, to their Cambodian and Vietnamese counterparts.

With relatively little fanfare, more than 250,000 Laotian refugees who fled into Thailand have resettled abroad since 1975, mostly in the United States. And despite periodic downturns in Thai policy and occasional pushbacks, Laotian asylum seekers have been given a fairly steady and open-ended welcome in Thailand.

But recently, the Thai government has stated its intentions to close the largest Laotian refugee camp, Ban Vinai, perhaps by June of 1992, and to be free of its entire population of 63,000 Laotian refugees within five years.

Lowland Lao refugees numbered only about 7,500 as of June, and arrivals have slowed to a trickle, so they are not of central concern. But larger questions surround the more numerous highland Lao refugees, specifically the Hmong, who total about 55,000 in Thailand. How many seek resettlement in the United States, and when might they go? How many would choose to go back to Laos, and under what circumstances? And what will it take for them to make up their minds?

In March, a group of five women with backgrounds ranging from journalism to refugee education to medicine travelled to Thailand and Laos under the auspices of the Women's Commission for Refugee Women and Children to examine issues relating to the repatriation and reintegration of highland Lao. The title of their 26-page report asks the question "Repatriation and Reintegration: Can Hmong Refugees Begin to Look Homeward?" and then answers it.

"Clearly, it is time to bring a well-reasoned end to the existence of refugee camps in Thailand," the report said. "Clearly, as the number of screened-out new arrivals rises, resettlement options dwindle, and repatriation plans are finalized, refugees in Thai camps will be faced with making crucial choices about their future. Equally as clear is the need to preserve humanitarian principles while the planning for and the process of voluntary repatriation occurs."

The report offers recommendation on Chiang Kham camp, screening and forced repatriation, and voluntary repatriation.

Of the 22,000 hilltribe refugees in Chiang Kham, 6,500 are women and 7,900 are children under the age of nine, but there is no formal women's organization in the camp, and most of the skills-training programs are geared toward men, the report said. The delegation recommended that a Women's Association should be established in Chiang Kham; female protection officers and social workers should be recruited; and skills training programs for women should be "aggressively marketed to both women and men."

On the issue of screening and forced repatriation, the Women's Commission recommended that "those screened out should be informed of their status...and informed of their right to appeal." Moreover, "those who have been fairly screened out, and have had the time and opportunity to appeal their case, must be subsequently treated in a humane manner. All returnees must be informed of the date, time and location of their return to Laos, given adequate time to prepare, and information on UNHCR support upon their return to Laos."

The delegation urged that "the inhumane practice of forced repatriation in the middle of the night should be vigorously protested."

As for voluntary repatriation, the delegation called upon the U.S. government and the refugee community to increase support for reintegration programs. "Hmong and Lao leaders abroad should consider investing in...rural development programs such as 'sponsor-a-village' concepts."

The report also said, "The needs of women and children must be considered as an issue vital to the successful repatriation of all refugees, and women must be involved with identifying those needs."

The Women's Commission for Refuge Women and Children operates under the auspices of the International Rescue Committee (IRC). For copies of the report, contact IRC at 386 Park Avenue South, New York, NY 10016. Tel: (212) 679-0010. Fax: (212) 689-3459.

Ford Foundation Study Surveys Hmong Views on Resettlement and Repatriation In the summer of 1990, the Ford Foundation funded a survey of 5,344 heads of family representing 28,992 refugees in Ban Vinai camp. A report based on that survey was published in October 1990, titled "Highland Lao Refugees: Repatriation and Resettlement Preferences in Ban Vinai Camp, Thailand" and written by Thomas P. Conroy.

Of those interviewed, the great majority of whom were Hmong, 54 percent said they preferred to repatriate to Laos and 46 percent chose resettlement. Neither choice, however, was unqualified.

Of those choosing resettlement, more than 70 percent said they would prefer to go some time after 1992, a fact that, the report noted, "is not likely to sit well with either the country of first asylum, Thailand, or the major resettlement country, the United States." Thailand would like to close Ban Vinai before that, and U.S. resettlement spots for Southeast Asian first asylum countries are shrinking each year.

The single most common reason given for delaying resettlement was that elders in the family didn't want to go abroad. Others said they were waiting for relatives still in Laos, or were concerned about language problems in the United States, or they were involved in a polygamous relationship.

Four out of ten respondents chose "other" as a reason for delaying resettlement. The report suggested that "this response provided an alternative for those who were uncomfortable with having to admit that they were sheltering unregistered relatives in camp." It was also the chosen category "for those who will eventually resettle unless drastic political changes occur in Laos in the next year or two. These respondents have essentially given up hope that this will happen, but choose to wait nevertheless."

Of the nearly 2,000 respondents who chose resettlement over repatriation, 53 percent selected California as their preferred state of resettlement, 12 percent chose Minnesota, and another 12 percent chose Wisconsin.

Most Hmong Seek to Delay Repatriation Although the majority of Hmong respondents chose repatriation over resettlement, nearly 80 percent of this group said they were unwilling to return until significant political changes occurred, and another 5 percent said it was simply not yet safe to go back.

"The challenge now is to finally begin to draw the Hmong into the voluntary repatriation program," the Ford report said. "One way to do so is to initiate a pilot project that will demonstrate to both the LPDR [Lao People's Democratic Republic] and the Hmong themselves that the road to recovery is indeed possible. Heretofore, the LPDR has been unwilling to accept the prospect of large numbers of Hmong returning from camps in Thailand to highland Lao areas. The Hmong have been unwilling to return to Laos only to have to reintegrate in lowland areas."

As a compromise, the report recommended that a pilot repatriation site be established in Xiang-Ngeun District of Louang Phabang province. The site is in a highland area but would be accessible to the government, UNHCR, and private relief and development groups. "Once the Hmong in Ban Vinai realize that it is possible to return to a highland area and make a go of it, more will surely give the thought of repatriation serious consideration."

Meetings and Conferences

NATIONAL ASYLUM NETWORK TO MEET

The Committee for U.S. Action on Asylum Concerns (CUSAAC), a national network of asylum projects, legal services and advocacy groups, and national voluntary organizations, will meet in Washington, D.C. from September 20-22. Agenda items include updates on political conditions in El Salvador, Guatemala, and Haiti; extension of temporary protected status for Salvadorans; safe haven for Guatemalans; the Immigration and Naturalization Service's new asylum system; border violence, detention, interdiction of Haitians and Central Americans; and the future of CUSAAC. For more information, call Claudia or Tania at the National Immigration, Refugee, and Citizenship Forum at (202) 544-0004.

REFUGEE MOVEMENTS, DEVELOPMENT, AND HUMAN RIGHTS

The Berliner Institut für Vergleichende Sozialforschung in collaboration with the New School for Social Research and Friedrich-Naumann-Stiftung is sponsoring a conference on "Worldwide Refugee Movements, Development Politics, and Human Rights" in New York, November 8-9. Panelists will apply political and development theory to migration, with particular emphasis on refugee movement. The conference will be held at the New School for Social Research. For further information, call the New School at (212) 741-5850 or the Berliner Institut at 011-49-030-262-30-85.

HEALTH AND MENTAL HEALTH OF SOVIET REFUGEES

A "National Conference on Health and Mental Health of Soviet Refugees" will be held in Chicago on December 10-12 at the Hyatt Regency-Chicago. The conference will feature more than 30 workshops on cross-cultural health, medical, and mental health topics.

Pamela Seubert, conference co-chair, says that the conference is expected to "create a national information network that will allow participants to continue to share information on important issues surrounding Soviet refugee health and mental health."

For more information, contact Juanita Salvador-Burris, Soviet Conference Coordinator, Jewish Federation of Metropolitan Chicago, One South Franklin St., Suite 805, Chicago, IL 60606 or call (312) 346-6700, ext. 3210.

Resources

REPORTS DOCUMENT ABUSES AT KROME

Allegations of physical and sexual abuse at the Krome Avenue Detention Center, a facility run by the Immigration and Naturalization Service (INS) in South Dade County, Florida, are highlighted in two recent reports.

Hidden from View: Human Rights Conditions in the Krome Detention Center, a report by Physicians for Human Rights (PHR) and the Minnesota Lawyers International Human Rights Committee (MLC), is based in part on a site visit in November 1990. It recounts allegations of mistreatment by detainees, as well as observations on conditions of detention and legal access.

The other report, Conditions at Krome North Service Processing Center, issued by the Haitian Refugee Center (HRC) in June, is largely a compilation of affidavits and news clippings with a brief overview and recommendations.

The PHR/MLC delegation itself was denied direct access to detainees, except for those in the health facility, which is run by the Public Health Service, and is independent of the INS. The report accuses the INS of presenting a "sanitized view of the facility" by permitting the delegation to speak "only with personnel selected by INS officials who monitored these interviews."

Lack of access is a theme of the HRC report as well, which includes affidavits from paralegals who were denied access to their clients, letters to various officials from attorneys on this subject, as well as accounts of journalists being denied access.

Affidavits Charge Physical and Sexual Abuse
Both reports rely heavily on prisoner affidavits that allege physical and sexual abuse. For example, one detainee reported on July 13, 1990 that he was taken by two officers to an isolation cell about 4:00 am with no explanation. "I started to take off my shirt, because it looked like that's what they wanted " he said. "When I had it half over my head, so I couldn't see and my arms were tangled up, one or both--I couldn't really tell, because my shirt--shoved me sideways, so I slid down the wall of the cell. I got kicked, too. Somebody punched me in the ribs... I saw [Officer] _____ lift his foot and then he stepped on my head. He set his foot near my left ear and pressed."

Janine Todaro, a former teacher at Krome, told the PHR/MLC delegation that she frequently witnessed male detention officers touching female detainees in sexually offensive ways. "At least 25 of her female detainee students told her that they had had sexual relations with detention officers who promised to secure their release from Krome," the report said.

INS authorities declined to comment on any allegations of physical and sexual abuse, since the subject was under investigation by the Justice Department/FBI.

Access to Legal Counsel The PHR/MLC report charges that practices and policies at Krome impede access to legal counsel in three areas: failure of the INS to provide adequate information about *pro bono* representation; inadequate telephone access to attorneys; and marginal respect for attorney/client confidentiality and privacy.

The delegates followed up on the list of available legal services that the INS provides to detainees. Of the 16 organizations listed, only three were willing to provide free legal services to qualifying Haitians (the majority population at Krome) and were accessible by telephone through reasonable efforts. Three organizations on the list said they did not represent Haitians; three numbers had been disconnected; one number was listed incompletely; one had a recording asking the caller to leave a message; one required a $20 "donation"; two never answered; and two never returned messages. "There is compelling evidence," said the report, "that the list that is sometimes provided is outdated to such a degree as to be useless."

The HRC report calls for a parole alternative to detention at Krome (see Recent Developments), as well as the establishment of an independent oversight commission to review the charges of inhumane treatment.

Hidden from View is available for $7.00 from the Minnesota Lawyers International Human Rights Committee at 430 Marquette Avenue, Suite 402, Minneapolis, MN 55401 or from Physicians for Human Rights, 58 Day St., Suite 202, Somerville, MA 02144.

To order Conditions at Krome, contact the Haitian Refugee Center, 119 N.E. 54th St., Miami, FL 33137. (305) 758-2444.

ASYLUM CASES FILED WITH INS DISTRICT DIRECTORS APPROVED AND DENIED FISCAL YEARS 1980-1991 (FIRST HALF)

Fiscal Year	Cases Approved	Cases Denied	Approval Rate	Pending Year-End
1980	1,104	896	55.2%	40,011
1981	1,175	3,346	26.0	97,459
1982	3,909	15,070	35.0	128,387
1983	7,215	16,811	30.0	165,998
1984	8,278	32,344	20.4	138,601
1985	4,585	14,172	24.4	126,311
1986	3,359	7,882	29.9	99,408
1987	4,062	3,454	54.0	80,730
1988	5,531	8,582	39.2	73,109
1989	6,942	31,547	18.0	71,993
1990	4,173	24,156	14.7	97,288
1991 (1st. half)	1,696	3,722	31.3	114,044

Source: Data from Immigration and Naturalization Service/U.S. Department of Justice. Compiled by *Refugee Reports*.

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COURT FAULTS INS POLICY ON DETENTION AND RELEASE OF JUVENILES

In a landmark case concerning the rights of aliens and children, *Flores v. Meese*, the Ninth Circuit Court of Appeals has ruled that it is unconstitutional for the Immigration and Naturalization Service (INS) not to release a juvenile from detention if a responsible adult is willing to assume responsibility for the child.

On August 9, the ninth circuit upheld a 1988 district court ruling that the INS policy of releasing children only to parents or legal guardians is illegal. However, the 1988 injunction against the INS practice had previously been lifted by a panel of the ninth circuit in 1990 (see Refugee Reports, Vol. XI, No. 9). This time, a majority of the full ninth circuit reversed the 1990 panel decision, finding that "the district court correctly held that the blanket detention policy is unlawful...[and that its] order appropriately requires children to be released to a responsible adult where no relative or legal guardian is available."

The majority opinion, written by Judge Mary M. Schroeder, said, "This case is unprecedented in that it involves post-arrest detention of persons who have not been convicted of any crime, do not pose a risk of flight, and who have not been determined to present any threat of harm to themselves or to the community." She went on to say, "aliens have a fundamental right to be free from government detention unless there is a determination that such detention furthers a significant government interest." However, she continued, "Whatever purposes detention serves, they do not relate to punishment, to the need for attendance at further proceedings, or to the avoidance of an identifiable risk of harm."

The court pointed out that Jenny Flores was not only an alien, but a child as well, and that the INS had justified its policy on the grounds that a child would be better served by detention than by release to a responsible adult whose living environment the INS does not have the resources to investigate. The court reviewed earlier rulings to find that "government confinement of a child to an institution should be a last resort." Looking at Supreme Court precedents, the

IN THIS ISSUE:

Should INS release juveniles in detention to someone other than a parent or legal guardian? The Ninth Circuit Court of Appeals has said yes in a landmark case, *Flores v. Meese*. Bill Frelick examines the impact of this decision on children in detention. 1

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majority observed, "While the Supreme Court...recognized that a child, because of a lack of maturity should have some adult custody and care,...it did not remotely suggest that there may be a presumption in favor of governmental detention as serving the best interests of the child."

The writer of the majority opinion when the *Flores* case was earlier before the ninth circuit panel, Chief Judge J. Clifford Wallace, wrote a vigorous dissent to the decision of the whole court. He challenged the majority's characterization of the issue as that of a "blanket detention policy," saying, "The regulation does not bar the release of all alien juveniles, but merely those who do not have an identifiable parent, legal guardian, or adult relative who can accept custody or designate an appropriate custodian."

Wallace's approach was to narrow the focus of the case. "I believe the majority errs by concluding that this case involves a 'fundamental right to be free from government detention.'" On the contrary, Wallace characterized the issue as one involving "a denial of the nonfundamental right to be released to unrelated adults unless the INS grants permission."

Wallace also charged that the majority ignored the immigration context of INS detention. As such, he held, the matter is "political in nature" and therefore best left up to the political branches of government to which the judicial branch should defer. "The majority ignores the fact that any judicial branch intrusion, even if explained by a belief that the INS has no special expertise, severely undermines congressional power over immigration."

The dissent also chided the majority for ignoring that there are significant differences in the rights of children and adults in detention, with Wallace arguing that "the state may restrict a child's liberty interest in order to secure that child's welfare."

One of the two concurring opinions written in support of the majority directly challenged Wallace's positions. "The dissent casts the INS as a parent, but I see only a jailer," said Circuit Judge William Norris.

Norris also addressed whether the courts should defer to "the political branches" on this issue. "Congress's broad power to fashion immigration policy no more authorizes the INS to hold people without due process than a state's sovereign power to pass criminal laws authorizes the imprisonment of people without due process."

"In sum," Norris declared, "the deprivation of the children's liberty is so plain, and the government's interest in detaining them so trivial, that the due process violation could not be more clear-cut."

Next Legal Steps? As of September 26, the government had not yet decided whether to petition the Supreme Court to hear the case, and the U.S. attorney declined to comment on the case to Refugee Reports.

Counsel for the plaintiffs, Carlos Holguin of the Center for Human Rights and Constitutional Law, said that his group has been discussing the case with the INS Commissioner's office. "We are trying to persuade them to forego an appeal," he said.

Holguin outlined several areas under discussion. First, in Holguin's judgment, the court order does not lay down "a lot of specifics," which still leaves a fair amount of discretion in the hands of the INS. Nor, he said, does the court's order "impair the Service's detention authority as historically used."

What the court did do, said Holguin, is require the INS to release children to a responsible adult where no relative or legal guardian is available. Holguin stated that the plaintiffs will not retreat from this point; however, he suggested, "We could discuss with INS setting up a national program to provide shelter services or the screening of foster families or other placement alternatives."

Holguin said that the plaintiffs could be more flexible on the court's requirement that an administrative hearing be held in every case to determine probable cause for arrest. Holguin said a hearing could be avoided for every minor apprehended, and reserved only for those detained more than 72 hours or for those who had been denied release after an available custodian had come forward.

While he expressed willingness to be flexible at this juncture, Holguin said that if the government does petition the Supreme Court and the court declines to review the decision, "we will demand complete compliance throughout the ninth circuit and will file similar cases in the fifth and eleventh circuits."

Holguin said that if the Supreme Court does grant certiorari (the petition for review), "there is no assurance they will win." Whichever way the high court would rule, the decision would then apply nationally, not just in one circuit.

INS and Nongovernmental Agencies Meet on Minors in Detention If the INS does not petition for certiorari, the ruling will only stand within the ninth circuit. Only about 10 percent of the juveniles currently being detained by the INS are held within the Service's Western Region where the *Flores* suit arose, according to Holguin.

Outside the legal battle over *Flores*, however, a dialogue between nongovernmental organizations (NGOs) and the INS on the Service's policies relating to children in detention have been going on--and off--for years (see Refugee Reports, Vol. VIII, No. 11).

Most recently, INS Commissioner Gene McNary has directed the INS to hold a series of meetings with a "working group on minors in detention" with representative organizations, specifically the U.S. Catholic Conference/Migration and Refugee Services (USCC/MRS), Lutheran Immigration and Refugee Service (LIRS), National Council of La Raza, the Child Welfare League of America, and Esperanza Para los Niños, a local project in El Centro, California.

McNary himself has participated in some of the meetings, and several of the nongovernmental representatives have commented positively on his interest and receptivity to the concerns of the NGOs.

The six organizations that meet with the INS in turn consult with a larger network of NGOs. In May, these NGOs submitted a proposal to the INS outlining a national policy "based on a presumption favoring release of minors from detention."

Among other things, that proposal suggested releasing children to licensed foster care or group homes, or to unrelated adults who have been screened by qualified social workers and who agree to provide adequate care and to ensure the juveniles' presence at future immigration proceedings.

One member of the working group,

Child apprehended by the U.S. Border Patrol. Photo from Illegal: Seeking the American Dream, a book of photographs and texts that concentrates especially on detained unaccompanied minors from Central America, including their testimonials. Illegal is available from bookstores or directly from Rizzoli International Publications, Inc., 300 Park Avenue South, New York, NY 10010. 1-800-433-1238. The list price is $19.95. Add $1.50 for postage and handling when ordering from the publisher and ask for order number 0-8478-1367-3.

Sussan Khozouri of LIRS, told Refugee Reports, "We are talking about release with safeguards, not a carte blanche." The interest of the working group--and the proposal--she said, is "to inject a child welfare standard" into the process to ensure that "the best interests of the child" be at the forefront of the discussion.

The working group proposal also made specific recommendations about providing alternatives to INS contract facilities for "longstayers" --children being held for periods longer than thirty days. One suggestion was to use the Unaccompanied Refugee Minors network that has served thousands of minors admitted to the United States as refugees without traceable family here (see Refugee Reports, Vol. VI, No. 11).

Mixed Signals from the INS The proposal elicited a rather dry official response. An August 5 letter from McNary declined to comment on the specific recommendations of the working group, saying that to do so might create a conflict of interest for bidding on future contracts for juvenile detention facilities. The letter briefly reviewed current policies on detention and release, and said, "These procedures have, so far, worked well for both undocumented juveniles and the Service." McNary's letter went on to say that "there is currently no need for additional detention facilities as the appropriated beds are rarely filled to capacity. If and when the Service identifies a need to increase or modify the existing juvenile detention services, a Request for Proposals will be developed."

Khozouri said, "The letter does not address the issue. We were proposing no longer having detention facilities, not starting new ones."

NGO working group members have told the INS that many of the issues in the proposal (such as use of juvenile halls--the name given to centers that detain juvenile delinquents--and the licensing of facilities) were not related to contract bidding, and could be dealt with.

"Commissioner McNary's letter does not reflect his final word on the subject," said Emma Navaja, USCC/MRS's director for immigration. "We will sit down face-to-face across the table and try to reach a solution."

Despite the optimism of the working group that high-level INS officials are receptive to these discussions, an August 26 letter from Commissioner McNary to Sen. Edward Kennedy, chairman of the Senate Subcommittee on Immigration and Refugee Affairs, suggested that the door to further national-level policy discussions with the NGOs is closed. He wrote that the INS would cooperate with the voluntary agencies "on a case-by-case basis, with individual problems."

Detention in Juvenile Halls Among the most contentious issues is the detention of non-criminal alien children in juvenile halls. A 17-year-old Guatemalan held at the Yuma County Juvenile Court Center in Yuma, Arizona in May 1990 testified:

> *I was beaten up by four detainees who are being held by the county for criminal offenses. They are not INS detainees like me, but we are held together in the same facility. I was sitting at the table where we all have to sit for seven hours a day, and one of the boys who spoke Spanish started swearing at me, calling me names, and threatening me. When the guard left the room, three other boys started shoving me and pushing me in the stomach. Then, one of them hit me very hard in the face three times. The guard came back in the room and took me out immediately. I was taken to the hospital, where they x-rayed my face and nose and treated me. My nose was painful and swollen, my lip was very swollen, and I had some cuts on my face.... I do not want to be detained together with juvenile delinquents. I fear that I could be attacked again by them in the future.*

The working group will be meeting again in mid-October to discuss implementation of the NGO recommendations, including the use of juvenile halls for holding children waiting for immigration proceedings. Although some of the NGO representatives on the working group expressed optimism that there was high-level support at the INS for barring the use of juvenile halls, INS spokesman Duke Austin told Refugee Reports, "We can't just send out a directive that says the Service will never send a juvenile to a juvenile hall. It would be impossible to hold some of them otherwise." Austin said that some of the juveniles are "disruptive, if not dangerous." He said that the INS would not willingly take away its own discretion.

Scope of the Problem Austin said, 'We are not dealing with the holding of any significant number of people for any significant period of time." He expressed the view that the problem has been blown out of proportion. "The perception is that thousands of these kids are being detained." He said that the reality is that maybe 150 are held at any one time and most cases are resolved "as quickly as we can."

"The last thing we want to do," said Austin, "is to hold kids."

Wendy Young of USCC/MRS, who coordinates much of the NGO activity in the working group, said that getting accurate information from the INS about the scope of the problem has itself been a serious problem. She said INS personnel in the Washington, D.C. office "often don't know themselves where the kids are because so much discretion is left to the district directors and the Border Patrol." Although the McNary letter only mentioned seven contract facilities where juveniles are held, Young pointed out that the *Flores* brief notes that 117 facilities are being used, including the juvenile halls in Yuma, Arizona, El Centro, California, and Hondo, Texas.

Accurate Information: The Age-Old Problem The NGO proposal called upon the INS to update statistics on an ongoing basis and outlined the information that was needed, including the numbers of children signing for voluntary departure, place and length of detention, and a complete list of facilities used to house children.

In an earlier incarnation of the INS-NGO working group that met on this issue between 1985 and 1988, the NGOs complained loudly about the lack of data on the numbers and location of children were being held. The NGO recommendations of 1987 include one on the need for accurate INS data collection and reporting that said, "A proverbial problem in developing uniform standards and adequate oversight involving the care of minors in INS detention has been the lack of reliable data about the numbers and characteristics of this population."

Update

- Polish President Lech Walesa signed the 1951 Refugee Convention and its 1967 Protocol on September 20, making Poland the 109th nation to do so.

On August 7, Romania became the 108th country to accede to the Convention and Protocol.

"I am delighted that these two nations, which only a few years ago were themselves sources of considerable refugee outflow, have committed themselves to the protection of refugees from other lands," said Sadako Ogata, the UN High Commissioner for Refugees.

On September 13, the Republic of Korea announced its intention to accede to the 1967 Protocol in the near future.

- On August 14, the Immigration and Naturalization Service (INS) raided the offices of the Central American Refugee Program (CARP) in Seattle, Washington.

In an apparent attempt to find fraudulent documents relating to Temporary Protected Status (TPS) registration, INS agents removed files from the CARP offices. CARP is a project of the Washington Association of Churches. Although no arrests have been made in the case, the former director of CARP, a case manager, and a number of Salvadoran clients have been subpoenaed to testify before a grand jury.

- From August 26 to August 28, more than three hundred detainees at the Krome detention center in Florida held a hunger strike to demand review of each inmate's length of stay, an end to abuses, and a public meeting with INS District Director Richard Smith.

The hunger strike ended, according to representatives of the strikers, when Smith assured the detainees that he would review their cases and that those participating in the hunger strike would not be punished.

- As of September 20, the International Committee of the Red Cross (ICRC) reported that 218,000 people have been internally displaced by fighting in Yugoslavia, and that 35,000 are refugees in Hungary and Italy. The ICRC cable noted the "alarmingly fast growth in the number of people displaced."

- The Justice Department has extended Temporary Protected Status (TPS) to Somalis. An estimated 2,000 Somalis currently living in the United States could potentially benefit from TPS status. Applicants must have been continuously present in the United States since September 16, 1991, the date on which the designation was approved and the notice appeared in the Federal Register, and must apply by September 16, 1992. The designation of Somalis for TPS is renewable after that date if the Attorney General determines conditions in Somalia warrant such action.

The Somali designation is particularly significant in that it is the first time that the Justice Department has designated a nationality for TPS without Congressional mandate or urging. According to the immigration newsletter Interpreter Releases, "The designation has raised hopes that other nationalities may be protected."

- In the past several months, President Bush has issued three presidential determinations to make a total of $44.3 million available in emergency refugee assistance for refugees from Africa and the Middle East. Bush first made $2 million available from the State Department's Emergency Refugee and Migration Assistance (ERMA) fund for refugees in the Horn of Africa, as of June 21. Then, on July 8, he drew down another $7 million from the ERMA fund to be made available to the UN High Commissioner for Refugees (UNHCR) for its work in the Western Sahara. Finally, on August 29, Bush ordered another $22 million in ERMA funds for urgent and unforeseen needs of refugees and displaced persons in the Horn of Africa.

As part of that same presidential determination, Bush also made available $7.3 million in ERMA funds to be contributed to the UN Relief and Works Agency (UNRWA) to assist Palestinians in the Occupied Territories and Lebanon and $6 million for the United Israel Appeal to help resettle Ethiopian refugees in Israel.

About $30 million remains in the ERMA account following the recent drawdowns (see page 16).

Current Research

CENTRAL AMERICAN WOMEN REFUGEES: THE PSYCHOSOCIAL CONSEQUENCES

Two recent studies treat the psychological and social aftermath of the traumatic experiences that Central American women have suffered both in their home countries and in the United States.

"The Gender-Specific Terror of El Salvador and Guatemala: Post-traumatic Stress Disorder in Central American Refugee Women," an article published in Women's Studies International Forum, is based on clinical case studies of Central American refugee women suffering from Post-Traumatic Stress Disorder (PTSD). The authors argue that women who have been sexually abused by army and police forces in Central America cannot be treated in the same way as rape victims in the United States, where the act itself is considered deviant, criminal, and punishable by law. Neither research on the effects of rape per se, nor on torture, adequately addresses the condition of these victims, says the report.

The authors, Adrianne Aron et. al., contend that rape has been sanctioned as "a normative act of social control" in El Salvador and Guatemala. "Women who are sexually abused by men associated with the Armed Forces cannot call for help, cannot press charges, cannot demand justice, cannot find refuge.... Virtually all avenues of support are closed, and in consequence, what might have been merely a terrible experience with a beginning, a middle, and an end becomes an ongoing catastrophe."

Although exile may be necessary for survival, it tends to exacerbate the sense of isolation that undermines psychological healing, say the authors. The forced separation of a refugee from family and friends removes a natural support system from the rape victim. Rape crisis centers in the United States are ill-equipped to help the Central American rape victims, nor are law enforcement agencies accessible to them. "The Guatemalan or Salvadoran rape victim cannot report her assault or have it recognized as a crime in her homeland, for fear of death, and neither can she report it to the authorities in the

United States, for fear of deportation."

Central American Women in Washington, D.C. Another study, "The Psychosocial Consequences of Violent Displacement: The Experience of Central American Refugee Women in Washington, D.C.," by Margaret McCallin of the International Catholic Child Bureau (ICCB), is based on interviews with 111 Central American women in the capital.

Three-quarters of the women had been present at at least one traumatic event; on average, they had been victimized 3.3 times. One-quarter had actually witnessed a murder.

During their lives in exile, the women experienced "an extreme level of generalized anxiety." The study characterizes them as "very troubled" by health, financial, and family matters. Three-quarters of the women call themselves worried, tense, nervous, and unhappy. Two-thirds complain of headaches, are easily frightened, and say they find it difficult to make decisions.

The study finds that the family often constitutes an additional source of stress for these women, rather than support. This is attributed to overcrowded living conditions and the fact that other family members are similarly traumatized and having the same difficulties adjusting to life in the United States.

Effect on Children The ICCB began its study after observing developmental delays among Central American refugee children. Observations of service providers suggested that the delays were due to the mothers' lack of responsiveness to the children, due to their own poor emotional well-being.

The findings of the study supported the initial observations. The majority of the women described their children as anxious and very demanding. The author speaks of a "vicious cycle of unmet needs" between mothers and children. "The implications for the children are severe. The very nature of their living conditions entails a range of psychosocial risk factors identified for children experiencing impoverished environments. As such, they need considerable social support to offset the disadvantages that characterize their experience. The indications from the study are that this support is not available to them from within their immediate family environment."

But McCallin is not without hope. The mothers are not unaware or indifferent to the conditions they are experiencing, she says. "The consequences for the children are not the result of lack of caring on the part of the mothers. It is more a function of the women not having the emotional resources to respond effectively to their children's needs."

"The Psychosocial Consequences of Violent Displacement" is available for $3.00 from the ICCB, 323 East 47th St., New York, NY 10017. (212) 754-4674. A related publication available from ICCB for $10.00 is Reasons for Living and Hoping: The Psychosocial Needs of Southeast Asian Refugee Children in Resettlement.

A reprint of the article, "Gender-Specific Terror," is available for $2.00 from the Committee for Health Rights in Central America (CHRICA), 347 Dolores St., #210, San Francisco, CA 94110. Of related interest is Flight, Exile, and Return: Mental Health and the Refugee, edited by Adrianne Aron and available from CHRICA for $10.00.

CENTRAL AMERICAN REFUGEE CHILDREN SHOW SIGNS OF TRAUMATIC STRESS

A recent study from researchers at the University of Houston draws attention to the traumatic events that have precipitated the flight of Central American children, as well as renewed trauma they have encountered during the journey north and in the United States. The study suggests that service providers ought to be aware of the psychological consequences of these experiences, particularly by identifying refugees suffering from Post-Traumatic Stress Disorder (PTSD), who have "a special need for programs and services to facilitate their settlement in this country."

The study, by Nestor P. Rodriguez, a sociologist, and Ximena Urrutia-Rojas, a registered nurse with a masters degree in public health, centers on unaccompanied Central American children detained by the Immigration and Naturalization Service (INS). The researchers examined 260 intake files of children in INS detention and conducted 133 interviews with children detained in the Texas Lower Rio Grande Valley and Houston between January and August of 1990.

A total of 1,269 unaccompanied Central American children were detained in three centers in the Lower Rio Grande Valley in 1989, the study found. Virtually all came from four countries: El Salvador (35%); Nicaragua (30%); Guatemala (18%); and Honduras (17%).

Four out of five children in the research sample were male. The boys were three times more likely than the girls to cite political reasons for fleeing. The researchers attributed this to the military situation, noting that a number of the boys were army deserters or were fleeing conscription. The girls reported significantly more health problems. Four of the 38 females in the group were pregnant, two as a result of rape during the journey north.

Trauma in the Home Country The children were asked to identify events they had experienced in their home country from a list of 15 potentially traumatic events, such as kidnap, sexual assault, hunger, homelessness, and seeing a family member or friend killed. The 133 children interviewed, on average, reported having experienced four of the traumatic events in their country of origin, and that their families on average had encountered about six.

Boys were more likely than girls to have been wounded, to have killed or shot someone, or to have been forcibly recruited into an armed group. Girls were more likely to have had a family member killed or to have been forcibly displaced.

Guatemalan children were more likely to have suffered a drastic socioeconomic change, to have experienced homelessness, and to have suffered from hunger; Nicaraguan children were more likely to have been wounded; Honduran children to have been forcibly recruited; and Salvadoran children to have encountered dead bodies in their communities of origin.

Trauma on the Journey North The children were presented with a similar list of traumatic events concerning their journey north. Here, on average, children encountered between three and four traumatic events. Although eight percent of the children reported no traumatic occurrences on the journey, a fifth of the group reported having experienced five to nine traumatic events. Girls reported a higher level of sexual assaults and health problems; boys reported more problems with the police.

The children were also asked to identify stressful or potentially traumatic events encountered after entering the United States, including, in addition to various types of assaults, fear of being deported or fear of legal proceedings. Fear of deportation was cited by more than two-thirds of the children.

Post-Traumatic Stress Taken together--experiences in the home country, during the journey, and in the United States--the average child experienced nearly ten stressful or potentially traumatic events. Only four children reported not having experienced any of the events; more than two-thirds of them experienced between 4.6 and 15 events.

The study characterizes PTSD as "an anxiety disorder of serious magnitude resulting from the experience of a stressful life event beyond one may reasonably expect in ordinary experience, such as rape, gunshot, running for one's life, natural disaster, loss of loved ones to death from accidents, war, etc."

Sixty of the children were tested for PTSD; eleven were found to suffer from the disorder, or 18.3 percent. But a larger number cited serious symptoms associated with PTSD, even if not adding up to the full criteria for the disorder. For example, 60 percent of the children cited being upset over memories at least once a week for the past month; 45 percent said they experienced flashbacks; 45 percent, emotional numbness; 38 percent, depression; 28 percent, intrusive thoughts; and 22 percent, nightmares.

The study found 48 percent of the children to suffer from serious health problems. "If this is not an accurate picture of their state of health," said the authors, "then it may indicate that they have 'somatized' their psychological symptoms, expressing depression, stress, anguish, etc., more as bodily complaints rather than as psychological symptoms. However, three scales capturing general distress, phobias, and psychotic-like symptoms (often associated with stress reactions) showed at least 50 percent of the children with clinically significant levels of these symptoms."

The 67-page study, "Undocumented and Unaccompanied: A Mental Health Study of Unaccompanied, Immigrant Children from Central America," is available for $5.00 from the Institute for Higher Education Law and Governance, University of Houston Law Center, Houston, TX 77204-6370. (713) 749-2557.

Job Board

Staff Attorney The American Civil Liberties Union (ACLU) is seeking applications for a full time staff attorney at its Immigrants' Rights Project in New York City. Responsibilities include participating in trial court and appellate litigation; coordination with other immigrants' rights organizations; preparing educational materials; public speaking, and substantial travel. Qualifications include excellent analytical, research, and writing skills, and two to five years of litigation or equivalent experience. Familiarity with immigrants' rights issues is helpful but not required. Position begins on or after January 1, 1992. Applicants should send resume, three references, and one legal writing sample.
Contact: Lucas Guttentag, director, Immigrants' Rights Project, ACLU, 132 West 43rd Street, New York, NY 10036.

ICMC Staff Positions in Cambodia Several openings are available for an International Catholic Migration Commission program in Battambang, Cambodia for training and assisting widows and female war victims. Jobs include Project Director, Training Coordinator, Vocational Training Advisor, Finance/Administrative Officer, and Social Worker/Counselor. Five years related experience, especially field work with displaced persons, refugees, or the rural poor; a knowledge of or willingness to learn Khmer; and an applicable college degree are required.
Contact: Mitzi Schroeder, Director, ICMC, 1319 F Street, NW, Suite 820, Washington, DC 20004. (202) 393-2904.

Meetings and Conferences

IMMIGRANT AND REFUGEE CHILDREN IN THE UNITED STATES

The Center for Human Rights and Constitutional Law (CHRCL), along with several other co-sponsoring agencies, will hold the "Second National Conference on Immigrant and Refugee Children in the United States" in Los Angeles on November 15-16, 1991.

The conference will bring together children's advocates and advocates for immigrants and refugees to discuss topics including border violence against children, bail and release, jail conditions, detainers and holds, guardianship, shelter care and social services, mental health, and representing children before the Immigration and Naturalization Service and the Executive Office of Immigration Review. On November 15, a special seminar will provide information on how to set up a children's shelter, using the shelter operated by CHRCL as a case study.

Registration deadline is October 31, 1991. To register for the conference, or to reqest partial financial assistance to cover part of the cost of transportation or lodging for the conference, contact Leila Rand, CHRCL, 256 South Occidental Boulevard, Los Angeles, CA 90057. (213) 388-8693.

Reader Exchange

INS ASYLUM OFFICE REQUESTS MASTER EXHIBITS TO SUPPORT ASYLUM APPLICATIONS

Responding to the suggestion of many nongovernmental and legal assistance agencies, the Asylum Branch of the Immigration and Naturalization Service (INS) is now soliciting "Generic Master Exhibits" in support of asylum applications.

INS welcomes any information that would help them disseminate a variety of country of origin source materials to asylum officers, and any information of relevance to the improved adjudication of asylum claims. Such information, supplied by nongovernmental agencies (NGOs), would also be used by the new INS Resource Information Center(RIC), as it begins its bibliographic collection.

According to the Asylum Branch, NGOs are encouraged to provide such packets in the following way:

1. Each packet should focus on only one specific "population at risk," in only one particular country (such as Guatemalan Kanjobal Indians, Salvadoran trade unionists, Soviet Jews, Iranian Baha'i, Chinese pro-democracy activists, etc.);

2. Background documentation provided should highlight the most relevant portions, and clearly identify sources (author, title, publisher/source, date, page(s) used;

3. Each packet should come with an annotated summary of the various exhibits provided, detailing the purpose/importance of each.

Agencies should send ten copies of each master exhibit and attachments to the Director of the INS Resource Information Center, 1521 Danville Street, Arlington, VA 22201. (703) 235-3279.

Distribution and Use of Master Exhibits All master exhibit packages of ten sets sent to the RIC will be disseminated to field offices. One copy will be sent directly to each asylum office for their resource libraries (two to Los Angeles) and one will be kept in the RIC. Lists of master exhibits stored at RIC will be published at least quarterly in the Federal Register.

INS asylum officers will be encouraged to discuss the master packages at weekly study sessions and will be encouraged to invite local representatives of the NGO submitting the packet to those sessions. The RIC will catalogue the packets in its data base. Advocates and representatives preparing asylum applications will be encouraged to refer to the master exhibits on file in their claims.

INS ADVISES ON REGISTERING FOR ABC BENEFITS

{The following is information provided by the Immigration and Naturalization Service (INS) to assist voluntary organizations in registering Guatemalans and Salvadorans for benefits according to the *American Baptist Churches v. Thornburgh* (ABC) settlement agreement (see Refugee Reports, Vol. XII, Nos 1 and 5).

Specific forms mentioned below may be requested from E.B. Duarte, director, Examinations Operations Support Program, INS, 425 Eye Street, NW, Washington, DC 20536.}

GUATEMALANS

Guatemalans who have been in the United States as of October 1, 1990, are eligible to register for ABC benefits through December 31, 1991.

ABC Registration Forms Eligible Guatemalans should complete and mail the "ABC Registration Form" to: ABC Project, INS, P.O. Box 96821, Washington, DC 20090.

Guatemalans are encouraged to register via certified mail, return receipt requested. Voluntary agencies submitting forms should keep a file copy of the registration form and provide each registrant with a copy for his or her personal records as well.

Applicants may obtain copies of the registration form at local INS offices; voluntary agencies are permitted to make photocopies of this and other ABC forms.

The INS must be notified immediately and in writing of changes of address on the "ABC Change of Address Form." This form should be sent to the ABC post office box noted above.

No other forms or applications should be sent to this address except for the "ABC Registration" and "Change of Address" forms.

New Interviews on Asylum Applications Registering for ABC entitles eligible Guatemalans to an INS interview on their asylum applications, whether new or previously denied. The application for asylum in the United States is made on Form I-589, available from local INS offices. Guatemalans intending to register for ABC may obtain information packets from local INS offices, which contain relevant forms, a list of organizations, and a "Public Notice for Guatemalans" that advises them that they must file a new asylum application or proceed with or supplement a previously filed application before March 31, 1992.

Work Authorization Filing for ABC does not in itself enable a Guatemalan to seek employment authorization. In order to work legally, the applicant must:

1. Apply for ABC.

2. File a completed asylum application with the local INS district office or have an asylum application on file with the INS. In addition, each applicant age 14 or older must complete the Biographic Information form (G-325A) and the fingerprint chart (FD-258).

3. File a Request for Employment Authorization (the EAD, Form I-765) with the local INS district office along with the $60 fee if it is an initial work authorization request.

No fee will be imposed to extend the EAD unless provided for by regulation. Guatemalans with asylum applications on file with the INS have the option of noting their A-numbers on the I-765 and writing "ABC" on question 16 of the form. The employment authorization request will be processed within 60 days according to INS regulations. If granted, it will be valid for up to one year.

Guatemalans in Pending Deportation Proceedings Guatemalans in pending deportation proceedings must respond to the ABC notice they receive from the Executive Office of Immigration Review (EOIR) if they wish to pursue ABC benefits. These notices, which were to have been sent by EOIR no later than September 30, 1991, advise Guatemalans in deportation proceedings to register for ABC benefits by the end of 1991. In addition, they may file a new application for asylum. However, such applications must be filed on or before March 31, 1992. A registrant must have a preexisting application on file, or file an application on or before March 31, 1992. Failure to do so will result in the loss of all ABC benefits.

SALVADORANS

TPS Registrants Nationals of El Salvador who register for the Temporary Protected Status Program (TPS) are automatically registered for the ABC benefits.

To qualify for the TPS program, Salvadorans must have been continuously residing in the United States since September 19, 1990.

Since the TPS registration deadline was recently extended until October 31, 1991, those Salvadorans who register for the TPS program by that date will be eligible for ABC benefits.

Salvadorans who register for TPS do not have to file a separate form to register for ABC benefits.

ABC class members who are also TPS registrants should follow the TPS procedures to obtain employment authorization.

Within a month of the expiration of TPS, the INS will send the Salvadorans a notice, allowing them 90 days to submit an asylum application or proceed with or supplement a previously filed application.

Salvadorans Who Apply Only for ABC Salvadorans who do not apply for TPS status may still register for ABC benefits on or before October 31, 1991, by completing the "ABC Registration Form" and mailing it to the ABC post office box listed above.

If the "ABC only" Salvadorans desire to work, they should follow the same procedures as outlined for Guatemalans.

After August 1, 1991, the INS began sending these Salvadorans an "ABC Notice for Salvadorans" to file an asylum application within 90 days, or proceed with or supplement an asylum application submitted previously. Interviews will begin after the TPS registration period expires.

Salvadorans not applying for TPS but who are in pending deportation proceedings have been sent the INS notice which must be returned within 90 days after the date of the notice. They will later receive a notice to file an asylum application, or proceed with or supplement a previously submitted application.

Address Changes The INS must be notified immediately in writing of address changes by submitting the "ABC Change of Address Form" to the ABC post office box number listed above.

Resources

FIRST ASSESSMENT OF NEW ASYLUM SYSTEM PUBLISHED

After only four months of full operation, the Immigration and Naturalization Service's (INS) new asylum system has won kudos from the private sector, although such praise is cautious and tentative.

The Refugee Project of the Lawyers Committee for Human Rights based its "Interim Assessment" on a survey of 29 practitioners, including representatives of nonprofit organizations and private attorneys. Nearly 90 percent of the respondents characterized the new asylum officers as qualified. "Very impressed...best asylum interview I ever had," said one representative quote. More than 90 percent said that the asylum officers' training was reflected in the interview, and three-quarters of the respondents said that they felt that the current interviewers are more qualified than the previous ones. The atmosphere of the interviews was variously described as "nice and comfortable," "respectful," "professional," "sympathetic," and "congenial."

Problems and Criticism Although the opening round of asylum interviews has been promising, problems loom on the horizon. "Backlogs are growing," warns the report, "and delays in adjudication, including preliminary assessments in deciding whether asylum applicants should be authorized to work, have sometimes been inordinate." The report also notes that notices of interviews have occasionally been inadequate and that access to interpreters has sometimes been denied.

The new asylum officers also come in for criticism. "Restrictions are sometimes being placed on the role of counsel in interviews," says the report, "unduly restrictive approaches have been taken by asylum officers towards evidence and standards for refugee protection,and the need is apparent for greater clarification with respect to the application of criteria for asylum."

Although the new officers won high marks for their familiarity with the applications and knowledge of conditions in the home countries, almost 90 percent of the respondents said that they still believed the adjudications to be improperly influenced by foreign policy, and more than half said that immigration enforcement considerations continue to affect status determination unduly. The jury is still out, however, as there had been no decisions issued among those surveyed.

Much criticism focused on the criteria for determining refugee status. The most frequent complaint pertained to the exclusion of conscientious objectors from refuge protection. Many also noted the lack of protection for persons fleeing from war situations.

Practitioners also often complained about difficulties in obtaining and extending work authorization for their clients. A practitioner in Florida reported waiting up to three months to get an appointment to extend work authorization. The report observed, however, that "the problems appear to be more technical than intentional."

Some of the problems are beyond the immediate influence of the asylum officers themselves. The report notes that backlogs have reached well over 100,000 cases, and "may overwhelm the relatively meager adjudicative resources." (See Refugee Reports, Vol. XII No. 5.)

Suggestions for Reform The Lawyers Committee invited the practitioners to suggest how the system might be improved. Not surprisingly, the most popular recommendation nationally was to boost the funding of the INS asylum branch to hire more asylum officers in order to address the problem of the growing backlog. The report notes that the INS Commissioner has promised to add 100 additional positions to the asylum branch (70 asylum officers; 8 supervisors; 22 clerks).

Several practitioners offered suggestions for cutting down the waiting time for work authorization. One suggested extending the period of work authorization from six months to a full year. Another suggested that asylum officers be given full jurisdiction over employment authorization.

Not all of the suggestions were geared toward the goal of expediting the procedure. Several practitioners recommended that more time be alloted for the interviews. In fact, one practitioner suggested that applicants be allowed 15 to 20 minutes at the start of the interview to say whatever is on their mind in an unstructured way to make them more at ease.

A practitioner in Chicago suggested that asylum applicants who have experienced torture be identified and treated separately. Many torture victims are found to have post-traumatic stress disorders (see Current Research), rendering them incapable of giving credible accounts of their experiences.

The 24-page report, "The New INS Asylum Procedure: An Interim Assessment by Practitioners," is available for $5.00 from the Lawyers Committee at 330 Seventh Avenue, 10th floor, New York, NY 10001. (212) 629-6170.

NEW RESOURCES FOR TEACHING ABOUT REFUGEES

{Several new resources are available for educators who want to include refugees as a topic in their classrooms. Below are brief descriptions and source information.}

- "Central America in the Classroom" is a quarterly newsletter produced by the Network of Educators on Central America (NECA). The editors critique textbooks for their fairness in approaching politics and human rights in the region, suggest classroom activities, and describe resources. An upcoming edition will be focussed on refugees. To submit articles, resources, or suggestions, write the address below.

For a one-year subscription, costing $15.00 for individuals, $25.00 for institutions, send check to NECA, 1118 22nd Street, NW, Washington, DC 20037. (202) 429-0137.

- "Human Rights Education: The Fourth R," is published twice yearly by the Human Rights Education Steering Committee of Amnesty International USA (AIUSA) and Human Rights Internet (HRI). The classroom activities in Vol. 3, No. 1 (Spring 1991) focus on refugees. They are excerpted from a forthcoming curriculum guide prepared by a team of Amnesty educators (see below).

To receive the bulletin, and join the Amnesty Educators' Network, send $5.00 to AIUSA Educators' Network, 322 Eighth Avenue, New York, NY 10001. (212) 807-8400.

- Amnesty International is publishing a refugee curriculum, due in print this autumn. Produced by a team of Amnesty educators, the curriculum is for use in a wide range of subject areas, age levels, and settings within the classroom and beyond. For example, "Packing Your Suitcase," which can be used for children and adults, simulates the kinds of practical choices a refugee must make on leaving home, as well as the unforeseen consequences these choices can have. Another lesson for math classes deals with U.S. asylum statistics.

For information on obtaining the curriculum when it is published, contact: Educators' Network, Amnesty International, 53 W. Jackson, Room 1162, Chicago, IL 60604. (312) 427-2060.

- "We Left Because We Had To: An Educational Book for 14-18 Year Olds" is a new publication from the British Refugee Council. The book focuses on refugees--who they are, why they leave their homes, what happened to them in the past, and what may happen to them. It contains background information, refugees' own stories, and several classroom activities. Although for a British audience, the book is quite useful for U.S. classes as well.

Make checks for £5.00 per copy, including postage and handling, payable to the British Refugee Council, Publications Department, Publications Department, 3 Bondway, London SW8 1SJ.

- The Holy Childhood Association is distributing to Catholic schools, and to other interested groups, several materials on refugees for classroom use. A refugee-awareness kit, contains a teachers guide with script for a slide presentation; classroom wall posters; "Take Refuge!," a teaching game; a play; and map. Though some of the numbers may be dated, the activities are still quite useful.

"Flight to Hope" is a 116-page curriculum guide produced by the Catholic Consortium on Refugee Awareness. It is available through HCA for $10.00 per copy.

"In Search of Survival: Sudan" is a video for classroom use produced by HCA on the uprooted people of Sudan. The 17-minute video includes a study guide.

For further information on these and other materials, contact Holy Childhood Association, 1720 Massachusetts Avenue, NW, Washington, DC 20036. (202) 775-8637.

- "Southeast Asian New Year Celebrations: An Instructional Guide for Grades 4-6," is a new curriculum developed by Uaporn Ang Robinson for the Office of Education, National Museum of Natural History, Smithsonian Institution. The 96-page guide was produced as part of a project to help the Smithsonian better serve the Southeast Asian community. More than 2,000 teachers and students have participated in the program on which the guide is based. The guide includes activities to encourage awareness of geography and culture of Southeast Asia. It includes a wide range of activities, including geography, foods, celebrations, games, and folktales.

For a copy of the guide, write to the Office of Education, National Museum of Natural History, Smithsonian Institution, Washington, DC 20560.

BEHIND A SPORTING FACADE, STEPPED-UP REPRESSION IN CUBA

On the occasion of Cuba's playing host to the Pan American games, America's Watch released a bulletin on escalating abuses of human rights in that country. In recent months, according to the report, Cuban authorities have detained prominent dissidents, and writers, artists, and union leaders have been dismissed from their jobs. "Rapid response brigades" have been created to control the population, officially organized mobs have been staged to intimidate government critics, and plainclothes police have physically assaulted prodemocracy activists in the streets.

"Cubans' daily lives are closely monitored and controlled by vast surveillance networks of informants which operate in neighborhoods, work centers, and schools," says the report. "And Cubans' recourse in the courts is stymied by a judicial system that is subordinate to the will of the government."

America's Watch suggests that the most disturbing recent development is the creation of the rapid response brigades. "The creation of special brigades serves as an ominous reminder of the brutal assault squads unleashed against those who sought to leave Cuba during the 1980 'Mariel boatlift.'"

Americas Watch applauds the easing of travel restrictions, but notes that it can be interpreted as an "escape valve" to reduce internal tension. "Regardless of motive, the easing of travel restrictions should be encouraged." The bulletin observes that Cubans who leave the country illegally and are caught face one to three years in prison. "Hundreds who were convicted of 'illegal exit' under the tighter travel restrictions of recent years are believed to constitute the largest category of political prisoners at this time," the report points out.

The 18-page document, "Cuba: Behind a Sporting Facade, Stepped-up Repression," is available for $2.00 from Americas Watch, 485 Fifth Ave., New York NY 10017-6104. (212) 972-8400.

"THE LONG ROAD HOME: ANGOLA'S POST-WAR INHERITANCE"

"Even if the formal goals of Angola's peace accord are met, the realities of mass repatriation of its citizens to an infrastructure destroyed by war are not being faced by the United Nations, the United States, or the international community. As a result, the probability of continued conflict and costly and life-threatening uprooting of civilians is real."

That is the conclusion of "The Long Road Home: Angola's Post-War Inheritance," a paper issued in August by the U.S. Committee for Refugees.

The 24-page paper addresses several legacies of Angola's war that are likely to seriously complicate events during the transition of the next 18 months to two years: the war's brutal impact upon Angola's people--especially the displacement of hundreds of thousands of civilians; the indiscriminate use of land mines and the resulting population of 40,000 to 50,000 amputees; the challenge of demobilizing tens of thousands of fighters; the obstruction of effective international relief operations by both the Angolan government and UNITA; and the chronic institutional weakness of the United Nations and the U.S. political and humanitarian bias in favor of UNITA.

According to the paper, twenty percent of Angola's total population--two million people--have been uprooted by violence in that country. Any post-war renewal of Angola's rural society and economy, the paper concludes, will be the expeditious and effective reintegration of that population.

"The Long Road Home" was written by J. Stephen Morrison, an expert on Angola, and formerly a staff member of the House Subcommittee on Africa.

The paper is available from the U.S. Committee for Refugees for $4.00, postage and handling. Copies of the paper are available free of charge for Refugee Reports subscribers who request them. Write to USCR at 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005. (202) 347-3507. FAX: (202) 347-3418.

USCR RELEASES VIDEOTAPE ON UPROOTED SRI LANKANS

Following an outbreak of fighting between the Sri Lankan army and militant Tamil separatists in June 1990, more than one million people have been displaced in Sri Lanka, largely in the northern and eastern provinces. About 210,000 Sri Lankan Tamils have sought refuge in the south Indian state of Tamil Nadu. With the assassination of former Indian Prime Minister Rajiv Gandhi in Tamil Nadu in May 1991, prospects for asylum in India have clouded. The 15-year fight between the Sri Lankan government and the Liberation Tigers of Tamil Eelam, meanwhile, seems to grow more desperate and all-encompassing.

Court Robinson, a senior policy analyst for the U.S. Committee for Refugees, has just returned from the region, where he visited more than 20 refugee camps and relief centers for displaced persons. Robinson interviewed more than 100 refugees and displaced persons, as well as Indian and Sri Lankan government officials, relief workers, and human rights advocates.

A 15-minute USCR color videotape, "If Peace Doesn't Return: Sri Lankan Refugees and Displaced Persons," is available for $15.00 from USCR. The tape includes footage of the camps and relief centers and interviews with refugees and displaced persons.

Send check to the U.S. Committee for Refugees, 1025 Vermont Avenue, NW, Suite 920, Washington, DC 20005. (202) 347-3507. FAX (202) 347-3418.

GAO VIDEO DOCUMENTS MARGINAL LIVING CONDITIONS FOR REFUGEES

At the request of the House of Representatives Select Committee on Hunger, the General Accounting Office (GAO) has produced a 17-minute videotape that focuses on the effects of shortfalls in funding on the rising number of refugees worldwide. Refugees: Marginal Conditions for Millions examines conditions in refugee camps in six countries: Pakistan, Guinea, Sudan, Ethiopia, Malawi, and Malaysia.

The GAO report reaches three major conclusions: refugees generally receive the minimum care needed to sustain life; living conditions and provisions vary widely from location to location; and, host countries and agencies providing assistance often face major obstacles in delivering aid. "In Africa, especially," the videotape report says, "refugee programs operate on the margin; any unexpected change or problem--even an overturned truck--can break the lifeline between the refugees and the assistance and services they need."

The report finds that during the last decade the United States has contributed $9.7 billion in cash, commodities, and services to refugee assistance, although only "about one-third has been spent on the care and feeding of refugees overseas. The other two-thirds has been devoted to the admission and resettlement of refugees in the United States."

This videotape and an accompanying printed report are available from the U.S. General Accounting Office, Post Office Box 6015, Gathersburg, Maryland 20877. (202) 275-5790.

EMERGENCY REFUGEE AND MIGRATION ASSISTANCE DRAWDOWNS: FY 1991

DATE	PURPOSE	AMOUNT
Jan. 2, 1991	**Africa**-Liberian refugees (UNHCR-$2,000,000, LICROSS-$1,000,000, UNICEF-$3,000,000); Sudanese refugees (UNHCR-$2,500,000); Chadian, Rwandan and Burundi refugees (UNHCR-$600,000); **Persian Gulf Crisis**- (UNHCR-$1,000,000, ICRC-$1,000,000, IOM-$750,000; Turkish Red Crescent-$250,000)	$12,100,000
Mar. 11, 1991	**Occupied Territories**-UNRWA-$5,000,000; **Sri Lanka**-ICRC-$1,000,000	6,000,000
Apr. 6, 1991	**Persian Gulf Crisis**-UNHCR-$6,000,000; ICRC-$2,000,000; Turkish Relief Agencies-$2,000,000	10,000,000
Apr. 17, 1991	**Africa**-South African repatriation (UNHCR-$4,000,000); Malawi (WFP/UNHCR-$1,000,000 &UNICEF-$250,000); Ethiopia and Somalia (UNHCR-$10,000,000)	15,250,000
Apr. 22, 1991	**Persian Gulf Crisis**-UNHCR-$5,000,000; ICRC-$4,900,000; Administration Expenses-$100,000	10,000,000
June 21, 1991	**Horn of Africa**	2,000,000
July 8, 1991	**Western Sahara**-UNHCR	7,000,000
Aug. 29, 1991	**Horn of Africa**-UNHCR-$16,000,000; UNICEF-$2,000,000; LICROSS-$4,000,000; UNRWA-$7,300,000; UIA-$6,000,000	35,300,000

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Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41536, Nashville, TN 37204. (615) 377-3322.

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